

FEDERAL REGISTER

THE NATIONAL ARCHIVES
OF THE UNITED STATES
1934

VOLUME 9 NUMBER 89

Washington, Thursday, May 4, 1944

Regulations

TITLE 7—AGRICULTURE

Chapter VII—War Food Administration (Agricultural Adjustment)

[ACP 1944 Insular]

PART 702—INSULAR AGRICULTURAL CONSERVATION PROGRAM¹

MAY 2, 1944.

Sec.	
702.501	Conservation practices.
702.502	Division of payments; payments in connection with conservation practices.
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702.509	Definitions.
702.510	Authority, availability of funds and applicability.

AUTHORITY: §§ 702.501 to 702.510, inclusive, issued under secs. 7 to 17 as amended, 49 Stat. 1148, 1915; 50 Stat. 329; 52 Stat. 31, 204, 205; 53 Stat. 550, 573; 54 Stat. 216, 728; 55 Stat. 257, 860; 16 U.S.C. 590g-590q; Stat. 761, E.O. 9322, as amended by E.O. 9334.

Payments and grants of aid will be made for participation in the 1944 Agricultural Conservation Program in Alaska, Hawaii, and Puerto Rico (hereinafter referred to as the 1944 program) in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made.

§ 702.501 *Conservation practices*—(a) *Allowance in connection with conservation practices.* The conservation practice allowance for a farm is the maximum amount of payment which will be made for carrying out on the farm the conservation practices specified in paragraphs (c) (d) and (e) of this section.

(1) This allowance for any farm will be the sum of the following: except that in no case shall the allowance for any farm be less than \$4.00.

(i) \$4.00 per acre, not in excess of 10 acres, and \$1.00 per acre, in excess of 10 acres, of cropland in the farm in excess of the largest acreage devoted to sugarcane at any one time in 1944.

(ii) 40 cents per acre, not in excess of 1,000 acres, and 10 cents per acre, in excess of 1,000 acres, of pastureland included in the farm but not included in the cropland, or, in Hawaii, of range land (for which the Territory tax-assessment valuation is 50 cents or more per acre) included in the farm but not included in the cropland.

(b) *Payment in connection with conservation practices.* Payment will be made within the limit of the conservation practice allowance established for the farm in accordance with paragraph (a) of this section, for carrying out in the calendar year 1944 any of the conservation practices listed in paragraphs (c) (d), and (e), at the rates specified, provided the practices are carried out by methods and with kind of seed and other materials that conform to good farming practice, and in accordance with the specifications listed herein, and any additional specifications that may be issued by the Chief to assure that the practices will be performed in workmanlike manner and in accordance with good farming practices for the locality. No payment will be made with respect to practices carried out with labor and materials furnished entirely by any Federal or Territorial Agency or any agency of Puerto Rico. If a portion of the labor, seed, or other materials used in carrying out any practice is furnished by a Federal or Territorial Agency or any agency of Puerto Rico and this portion represents one-half or more of the total cost of the practice, no payment will be made with respect to it; if this portion represents less than one-half of the total cost of carrying out the practice, payment will be made with respect to one-half of it; *Provided*, That labor, seed, and materials furnished to the Territories of Alaska or Hawaii, or to Puerto Rico, or a political subdivision or agency thereof, by any agency of either Territory or of Puerto Rico, respectively, shall not be deemed to have been furnished by a "Federal or Territorial Agency" or any "Agency of

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¹ Subject matter assigned to parts 702, 703 and 704 will hereafter be consolidated under part 702.



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NOTICE

The Cumulative Supplement to the Code of Federal Regulations, covering the period from June 2, 1938, through June 1, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at \$3.00 per book. The following are now available:

Book 1: Titles 1-3 (Presidential documents) with tables and index.

Book 2: Titles 4-9, with index.

Book 3: Titles 10-17, with index.

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Puerto Rico" within the meaning of this paragraph.

(c) *Schedule of conservation practices for Alaska.* (1) Interplanting leguminous crops with other crops: \$2.00 per acre.

(2) Planting leguminous crops in rotation with other crops: \$3.00 per acre.

(3) Using leguminous crops for green manuring: \$4.00 per acre.

(4) Planting perennial varieties of protective crops on properly prepared land: \$4.00 per acre.

(5) Contour strip-cropping land of 2 percent or more slope with protective crops or perennial varieties of crops which will prevent soil washing: \$1.00 per acre.

(6) Seeding pasture land with good seed of adapted varieties of perennial grasses or legumes which do not require preparation of a seed bed: \$0.20 per pound of seed sown.

(7) Applying crop residue on the surface of soil subject to wind erosion to promote the establishment of vegetative cover: \$0.10 per cubic yard.

(8) Planting and cultivating land of 2 percent or more average slope along lines having a fall of not more than 2 percent: \$4.00 per acre.

(9) Listing land along lines having a fall of not more than 2 percent for fallowing or for planting leguminous or protective crops: \$0.50 per acre.

(10) Constructing permanent ditching on land of 6 percent or more average slope, with suitable outlets for the diversion of surface water to prevent soil washing. No credit will be given for ditches of more than 4 percent fall nor for any temporary field ditching. (i) When constructed on land where the topography, stoniness or size of fields requires that the ditching be constructed entirely by hand labor: \$0.80 per 100 linear feet. (ii) When constructed on other land: \$0.40 per 100 linear feet.

(11) Constructing a sufficient amount of continuous terrace to give adequate protection against erosion: \$1.00 per 100 linear feet of terrace.

(12) Constructing and maintaining check dams in gullies: \$0.10 per linear foot.

(13) Establishing a good stand of erosion-resisting perennial grasses in gullies: \$0.025 per 100 square feet.

(14) Applying ground limestone or its equivalent. No credit will be given for the application of more than 2 tons per acre: \$6.00 per ton.

(15) Applying phosphate to protective or leguminous crops. No credit will be given for the application of more than 100 pounds of phosphoric acid per acre: \$5.00 per hundred pounds of phosphoric acid.

(d) *Schedule of conservation practices in Hawaii.* (1) Planting leguminous crops in rotation with other crops: \$3.00 per acre.

(2) Using leguminous crops for green manuring: \$4.00 per acre.

(3) Planting perennial varieties of protective crops on properly prepared land: \$4.00 per acre.

(4) Seeding depleted range land with good seed of adapted varieties of perennial grasses or protective crops which do not require preparation of a seed bed. (i) For koa haole (*Luceana glauca*) seed: \$0.10 per pound, (ii) for other varieties of seed: \$0.20 per pound.

(5) Planting slips or stools of adapted varieties of perennial grasses on depleted range land: \$2.00 per acre.

(6) Furrowing range land along lines having a fall of not more than 3 percent, with furrows not less than 8 inches in width and 4 inches in depth: \$0.05 per 100 linear feet. No credit will be given for more than 4,000 linear feet per acre.

(7) Clearing range land heavily infested with range destroying plants: \$5.00 per acre.

(8) Clearing range land lightly infested with range destroying plants: \$2.00 per acre.

(9) Mowing or employing other approved means to prevent the reinfestation of cleared land. No credit will be given for mowing if the plants mowed are used for hay or sold for any purpose: \$0.25 per acre for each operation within limits set by the State Office.

(10) Removing all livestock from range land, for a continuous period of more than four months, the months for which payment is made to be within

the calendar year of 1944. This practice shall not be applicable to more than 25 percent of the range land included in the farm and shall not be applicable to land which normally is used for other purposes during the period in which livestock are excluded. Credit will be given for not more than eight months and only under the following conditions: (i) The deferred area is kept free of grazing; (ii) the remaining range land in the farm is not pastured to such extent as to injure the forage: \$0.10 per acre month, in excess of four during which livestock are removed.

(11) Constructing permanent water-sheds of galvanized iron or other approved material for accumulating rain-water for range livestock, provided other methods of furnishing or accumulating water are not available and the water is conveyed to a tank or storage reservoir: \$0.025 per square foot of watershed constructed.

(12) Constructing water storage tanks of redwood, steel, or other approved material on adequate foundations or constructing reservoirs lined with concrete or stone set in mortar: \$0.50 per 100 gallon capacity.

(13) Planting and cultivating land of 2 percent or more slope along lines having a fall of not more than 2 percent. (i) When the land is planted to truck crops: \$4.00 per acre. (ii) When the land is planted to other crops (excluding sugarcane): \$2.00 per acre. No credit will be given unless adequate ditching or terracing protection is provided in accordance with specifications covering practices 15, 16, and 19.

(14) Protecting fallowed land with furrows averaging not more than 10 feet apart and not less than 8 inches in width and 4 inches in depth, having a fall of not more than 2 percent, or, in areas subject to wind erosion, at approximately right angles to the direction of the prevailing winds. No credit will be given on land of 6 percent or more average slope unless it is protected from erosion by adequate ditching or terracing: \$1.00 per acre.

(15) Constructing permanent ditching on land of 3 percent or more slope, with suitable outlets, for the removal of surface run-off water to prevent soil washing. No credit will be given for ditches having a fall of more than 2 percent, unless protected by adequate vegetative cover. (i) When constructed on land where the stoniness, or size of fields requires that the ditching be constructed entirely by hand labor: \$0.25 per cubic yard of water carrying capacity. (ii) When constructed on other land: \$0.40 per 100 linear feet of ditching. No credit will be given for this practice when carried out on land planted to clean cultivated crops unless practice 13 or 19, has been carried out.

(16) Constructing temporary ditching on fields of 6 percent or more slope, with suitable outlets, for the diversion of surface water to prevent soil washing. No credit will be given for ditches having a fall of more than four percent. (i) When constructed on land where the topography, stoniness, or size of fields requires that the ditching be constructed

entirely by hand labor: \$0.04 per cubic yard of water carrying capacity. (ii) When constructed on other land: \$0.05 per 100 linear feet of ditching.

(17) Lining ditches, carrying water on a grade of two percent or more fall. Credit will be given for irrigation ditches used only for irrigation of truck or forage crops; ditches constructed in accordance with specifications of practice (15); and ditches for the discharge of water from systems of contour cultivation, ditching, or terracing. (i) When the ditch surface is lined with concrete or stone set in mortar: \$0.06 per square foot of ditch surface lined. (ii) When the ditch surface is lined with plaster; or concrete, iron, or composition pipe is used: \$0.03 per square foot of ditch surface lined or of the inside surface of pipe used, respectively.

(18) Establishing a protective sod lining in ditches used for removing excess water from systems of contour cultivation, ditching, or terracing: \$0.25 per 100 square feet of ditch surfaced.

(19) Constructing a sufficient amount of continuous terrace to give adequate protection against erosion: \$1.00 per one hundred linear feet of terrace.

(20) Constructing and maintaining check dams in gullies: \$0.10 per linear foot.

(21) Establishing a good stand of erosion resistant perennial grasses in gullies: \$0.05 per 100 square feet.

(22) Applying ground limestone or its equivalent. No credit will be given for the application of more than 2 tons per acre: \$6.00 per ton.

(23) Applying phosphate to protective or leguminous crops. No credit will be given for the application of more than 100 pounds of phosphoric acid per acre: \$5.00 per 100 pounds of phosphoric acid.

(24) Constructing and maintaining during 1944 individual terraces or catch-pits among coffee trees: \$0.04 per terrace or catchpit.

(25) Constructing and maintaining during 1944 individual terraces among fruit or nut trees: \$0.98 per terrace.

(26) Applying coffee pulp around coffee trees. No credit will be given for application of more than 5 tons per acre: \$1.00 per ton.

(e) *Schedule of conservation practices for Puerto Rico.* Payment will be made for not more than one practice on the same area, nor will payment be made when the total acreage on which practices were carried out is less than $\frac{2}{10}$ acres.

(1) Planting leguminous crops: \$4.00 per acre.

(2) Interplanting leguminous crops with intertilled crops (excluding sugarcane): \$2.00 per acre.

(3) Planting intertilled crops (excluding sugarcane and orchards) along lines having a fall of not more than two percent on land having an average slope of from two to ten percent. Payment will be made for not more than 20 acres: \$4.00 per acre.

(4) Establishing an adequate system of ditching to divert surface run-off water on land of more than 10 percent average slope, planted to intertilled crops (excluding sugarcane and orchards),

provided that, (i) the ditches are of adequate size and (excepting boundary and outlet ditches) having a fall of not more than six percent, (ii) not less than 600 feet of ditches are constructed per acre: \$4.00 per acre. Where the topography and stoniness of the land do not permit the construction of proper ditches, stone barriers may be constructed with the crop rows planted, as far as possible, parallel to the barriers.

§ 702.502 *Division of payments; payments in connection with conservation practices.* The payment earned in carrying out practices shall be paid to the producer who carried out the practices. If more than one producer contributed to the carrying out of the practices, the payment shall be divided in the proportion that the State Office determines the producers contributed to the carrying out of the practices. In making this determination, the State Office shall take into consideration the value of labor, equipment, or material contributed by each producer toward the carrying out of each practice on a particular acreage assuming that each contributed equally unless it is established to the satisfaction of the State Office that their respective contributions thereto were not in equal proportion.

§ 702.503 *Increase in small payments.* The total payment computed under § 702.501, for any person with respect to any farm shall be increased as follows:

(a) Any payment amounting to 71¢ or less shall be increased to \$1.00;

(b) Any payment amounting to more than 71¢, but less than \$1.00, shall be increased by forty percent;

(c) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed:	Increase in payment
\$1.00 to \$1.99	0.40
\$2.00 to \$2.99	.80
\$3.00 to \$3.99	1.20
\$4.00 to \$4.99	1.60
\$5.00 to \$5.99	2.00
\$6.00 to \$6.99	2.40
\$7.00 to \$7.99	2.80
\$8.00 to \$8.99	3.20
\$9.00 to \$9.99	3.60
\$10.00 to \$10.99	4.00
\$11.00 to \$11.99	4.40
\$12.00 to \$12.99	4.80
\$13.00 to \$13.99	5.20
\$14.00 to \$14.99	5.60
\$15.00 to \$15.99	6.00
\$16.00 to \$16.99	6.40
\$17.00 to \$17.99	6.80
\$18.00 to \$18.99	7.20
\$19.00 to \$19.99	7.60
\$20.00 to \$20.99	8.00
\$21.00 to \$21.99	8.40
\$22.00 to \$22.99	8.80
\$23.00 to \$23.99	9.20
\$24.00 to \$24.99	9.60
\$25.00 to \$25.99	10.00
\$26.00 to \$26.99	10.40
\$27.00 to \$27.99	10.80
\$28.00 to \$28.99	11.20
\$29.00 to \$29.99	11.60
\$30.00 to \$30.99	12.00
\$31.00 to \$31.99	12.40
\$32.00 to \$32.99	12.80
\$33.00 to \$33.99	13.20
\$34.00 to \$34.99	13.60
\$35.00 to \$35.99	14.00
\$36.00 to \$36.99	14.40
\$37.00 to \$37.99	14.80

Amount of payment computed— Continued.	Increase in payment
\$38.00 to \$38.99	\$11.60
\$39.00 to \$39.99	11.80
\$40.00 to \$40.99	12.00
\$41.00 to \$41.99	12.10
\$42.00 to \$42.99	12.20
\$43.00 to \$43.99	12.30
\$44.00 to \$44.99	12.40
\$45.00 to \$45.99	12.50
\$46.00 to \$46.99	12.60
\$47.00 to \$47.99	12.70
\$48.00 to \$48.99	12.80
\$49.00 to \$49.99	12.90
\$50.00 to \$50.99	13.00
\$51.00 to \$51.99	13.10
\$52.00 to \$52.99	13.20
\$53.00 to \$53.99	13.30
\$54.00 to \$54.99	13.40
\$55.00 to \$55.99	13.50
\$56.00 to \$56.99	13.60
\$57.00 to \$57.99	13.70
\$58.00 to \$58.99	13.80
\$59.00 to \$59.99	13.90
\$60.00 to \$185.99	14.00
\$186 to \$199.99	(1)
\$200.00 and over	(2)

¹ Increase to \$200.00.

² No increase.

§ 702.504 *Payments limited to \$10,000.* The total of all payments made in connection with programs for 1944 under section 8 of the Soil Conservation and Domestic Allotment Act, to any individual, partnership, or estate with respect to farms, ranching units, and turpentine places located within a single State, Territory, or possession, shall not exceed the sum of \$10,000. The total of all payments made in connection with such programs to any person other than individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of \$10,000.

All or any part of any payment which has been or otherwise would be made to any person under the 1944 program may be withheld or required to be returned, if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, or formation of any corporation, partnership, estate, trust, or any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

§ 702.505 *General provisions relating to payments—(a) Practices defeating purposes of the program.* If the chief finds that any producer has adopted or participated in any practice which tends to defeat the purposes of the 1944 or previous programs, he may withhold or require to be refunded all or any part of any payment which has been or would be computed for such person.

(b) *Failure to carry out approved erosion control measures.* Payment will not be made to any person with respect to any farm which he owns or operates in a county if the State office finds that he has been negligent and careless in his farming operations by failing to carry out approved erosion-control measures on land under his control to the extent that any part of such land has become an erosion hazard during

the 1944 program year to other land in the community.

(c) *Depriving others of payment.* If the State office finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentations) the effect of which would be or has been to deprive any other person of any payment under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the amount of any payment which has been or would otherwise be made to him in connection with the 1944 program.

(d) *Payment computed and made without regard to claims.* Any payment or share of payment shall be computed and made without regard to questions of title under Territorial law, or laws of Puerto Rico, without deductions of claims for advance (except as provided in paragraph (e) of this section, and except for indebtedness to the United States subject to set-off orders issued by the War Food Administrator); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

(e) *Assignments.* Any person who may be entitled to any payment in connection with the 1944 program may assign his payment, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1944. No assignment of this kind will be recognized unless it is made in writing on Form ACP-69 in accordance with instructions (ACP-70 Revised) issued by the Agricultural Adjustment Agency and unless such assignment is entitled to priority, as determined under the instructions governing the recording of such assignments, issued by the Agricultural Adjustment Agency.

§ 702.506 *Application for payment—(a) Persons eligible to file applications.* An application for payment with respect to a farm may be made by any person for whom, under the provisions of § 702.502, a share in the payment with respect to the farm may be computed.

(b) *Time and manner of filing application and information required.* Payment will be made only upon application submitted through the respective State offices on or before March 31, 1945, except that the timely filing of an application by one person on a farm shall constitute the timely filing on behalf of all persons on that farm. Payment may be withheld from any person who fails to file or furnish any information required with respect to any farm which he is operating or renting to another person for a share of the crop grown thereon, or for cash or standing rent.

Any application for payment may be rejected if any form or information required is not submitted to the State office within the time fixed by the Chief. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms or required information, any time limit to be such as affords a full and fair opportunity to those eligible to file the form

or information within the period prescribed. Notice shall be given by mailing it to the office of each county agricultural extension agent, and making copies of it available to the press.

(c) *Land area.* All calculations involving land area in Puerto Rico will be made on the basis that one cuerda equals 0.97 acres.

§ 702.507 *Appeals.* Any producer may, within fifteen days after notice thereof is forwarded to or made available to him, request the State office in writing to reconsider its recommendation or determination with respect to any of the following matters affecting any farm in which he has an interest: (a) Eligibility to file an application for payment; (b) measurement, or conservation practice allowance; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The State office shall notify him of its decision in writing within fifteen days after receipt of a written request for reconsideration. If he is dissatisfied with the decision of the State office he may, within fifteen days after the decision is forwarded or made available to him, request the Chief to review the decision of the State office.

§ 702.508 *State and regional bulletins, instructions, and forms.* The Agricultural Adjustment Agency is hereby authorized to make such determinations and to prepare and issue such State and Regional bulletins, instructions and forms as may be required in administering the 1944 program.

§ 702.509 *Definitions.* For the purposes of the 1944 program, unless the content otherwise requires:

"Administrator" means the War Food Administrator.

"Chief" means the Chief of the Agricultural Adjustment Agency.

"Insular region" means the area included in the Territory of Alaska, the Territory of Hawaii, and Puerto Rico.

"State office" means the office of the Agricultural Adjustment Agency in Fairbanks, Alaska, Territory of Alaska; Honolulu, Territory of Hawaii; and San Juan, Puerto Rico, depending upon the area concerned.

"Person" means an individual, partnership, association, corporation, trust, or estate, or other business enterprise or legal entity wherever applicable, a State, Territory, or Possession, or a political subdivision, or agency thereof.

"Producer" means any person who as landlord, tenant, or sharecropper, participates in the operation of a farm.

"Farm" means all tracts of cropland, pasture land, and other land in Alaska, Hawaii, or Puerto Rico (considering tracts located in only one of these areas) operated by one or more persons in 1944 as a single farming unit, with cropping practices, work stock, farm machinery, management, and labor substantially separate from that for any other such unit, and including any other land which serves as a watershed for the supply of water for the farm and on which any

applicable conservation practice is performed.

"Cropland" means farm land which is tilled annually or in a regular rotation or is devoted to bearing or non-bearing orchards other than abandoned orchards.

"Orchards" means the acreage in planted fruit trees, nut trees, coffee trees, banana plants, or vineyards.

"Pasture land" means farm land on which the predominant growth is forage suitable for grazing and on which the spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

"Rangeland" means any land which produces or can produce forage suitable for grazing by range livestock without cultivation or general irrigation.

"Protective crops" means any of the following: all grasses, crotalaria, vetch, pigeon peas, clover, lespedeza, lupines, koa haole (*Lucaena glauca*).

"Leguminous crops" means any of the following: cow peas, pigeon peas, field peas, soy beans, velvet beans, sword beans, field beans.

§ 702.510 *Authority, availability of funds applicability*—(a) *Authority*. This program is approved pursuant to the authority vested in the War Food Administrator under section 7-17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148, 16 U. S. C. 1940 ed. 590g to 590q), and in the War Food Administrator by Executive Order No. 9322, as amended by Executive Order No. 9934.

(b) *Availability of funds*. The provisions of the 1944 program are necessarily subject to all legislation affecting the program as the Congress of the United States may hereafter enact; the making of payments herein provided are contingent upon whatever appropriation the Congress may hereafter provide for the purpose; and the amounts of payment will necessarily be within the limits finally determined by the appropriation, its apportionment under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation.

(c) *Applicability*. The provisions of the 1944 program contained herein, except where the content otherwise indicates, are applicable only to the Territories of Alaska and Hawaii and to Puerto Rico. They do not apply to any department or bureau of the United States Government or any corporation wholly owned by the United States, or to lands owned by the United States which were acquired or reserved for conservation purposes or which are to be retained permanently under Government ownership.

The program is applicable to land owned by corporations, which are only partly owned by the United States, such as Federal Land Banks and Production Credit Administrations.

The program is also applicable to land owned by the United States or by corporations wholly owned by the United States which is farmed by private persons if such land is to be temporarily under such Government or corporation ownership and was acquired or reserved

for conservation purposes. Such land shall include only that administered by the Farm-Security Administration, the Reconstruction Finance Administration, the Home Owners' Loan Corporation, or the Federal Farm Mortgage Corporation, unless the Agricultural Adjustment Agency finds that land administered by other agencies complies with all of the foregoing provisions for eligibility.

Issued at Washington, D. C., this 2d day of May 1944.

GROVER B. HILL,
First Assistant
War Food Administrator.

[F. R. Doc. 44-6269; Filed, May 2, 1944;
11:22 a. m.]

Chapter XI—War Food Administration (Distribution Orders)

[WFO 8-3]

PART 1401—DAIRY PRODUCTS

REPORTS RELATIVE TO FROZEN DAIRY FOODS AND MIX

Pursuant to the authority vested in me by War Food Order No. 8, 9 F.R. 4319 (formerly designated as Food Distribution Order No. 8, as originally issued by the Secretary of Agriculture on January 19, 1943, 8 F.R. 953, and as amended, 8 F.R. 12163), and to effectuate the purposes of said order, it is hereby ordered as follows:

§ 1401.17 *Reports relative to frozen dairy foods and mix*—(a) *Definition*. When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof, each term defined in War Food Order No. 8 shall, when used herein, have the same meaning as is set forth for such term in said War Food Order No. 8.

(b) *Reports required*. (1) Each processor who has not correctly completed Form FDO 8-1, "Production Report of Frozen Dairy Foods and Mix," and filed such report with the Administrator WFO-8, United States Department of Agriculture, Washington 25, D. C., shall correctly complete said Form FDO 8-1, and mail such completed form to Administrator WFO-8, United States Department of Agriculture, Washington 25, D. C., within 21 calendar days after the effective date hereof.

(2) Each processor who manufactures mix shall correctly complete Form "Dairy Products Report No. 4—Ice Cream," for each of the calendar months of April 1943 to March 1944, both dates inclusive, during which the respective processor manufactured frozen dairy foods and mix, and shall mail such completed form to the United States Department of Agriculture, P. O. Box 6910-A, Chicago, Illinois, within 21 calendar days after the effective date hereof.

(3) Each processor who manufactures mix shall correctly complete Form "Dairy Products Report No. 4—Ice Cream," for each calendar month during which the respective processor manufactures frozen dairy foods and mix, and shall, on or before the close of the tenth calendar day of the calendar month next succeeding

the calendar month during which the respective processor manufactured frozen dairy foods and mix, mail such completed form to the United States Department of Agriculture, P. O. Box 6910-A, Chicago, Illinois.

(4) Each processor who purchases all of the mix used by him in the manufacture of frozen dairy foods and who utilized 5,000 pounds or more of milk solids in the manufacture of frozen dairy foods during the base period shall correctly complete Form "Dairy Products Report No. 5—Frozen Dairy Foods," for each of the calendar months of January, February, and March 1944 during which the respective processor purchased mix, and shall mail such completed form to the United States Department of Agriculture, Division of Agricultural Statistics, Bureau of Agricultural Economics, Washington 25, D. C., within 21 calendar days after the effective date hereof.

(5) Each processor who purchases all of the mix used by him in the manufacture of frozen dairy foods and who utilized 5,000 pounds or more of milk solids in the manufacture of frozen dairy foods during the base period shall correctly complete Form "Dairy Products Report No. 5—Frozen Dairy Foods," for each calendar month during which the respective processor purchases mix, and shall, on or before the close of the tenth calendar day of the calendar month next succeeding the calendar month during which the respective processor purchased mix, mail such completed form to the United States Department of Agriculture, Division of Agricultural Statistics, Bureau of Agricultural Economics, Washington 25, D. C.

(c) *Exceptions*. Each person referred to in (b) (2) or (b) (4) hereof shall not be required to complete and mail the forms as required by (b) (2) or (b) (4) hereof for any month designated therein if such person shall have correctly completed and mailed the required form for such month prior to the effective time of this order.

(d) *Effective date*. This order shall become effective at 12:01 a. m., e. w. t., May 1, 1944.

Note: All reporting and record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334; 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO-8, 8 F.R. 953, 12163; 9 F.R. 4319)

Issued this 1st day of May 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44-6224; Filed, May 1, 1944;
3:31 p. m.]

[WFO 54-4]

PART 1401—DAIRY PRODUCTS

DRIED SKIM MILK

Pursuant to the authority vested in me by War Food Order No. 54 (8 F.R. 7210, 9 F.R. 4319), and in order to ef-

effectuate the purposes thereof, it is hereby ordered as follows:

§ 1401.179 *Percentages of dried skim milk to be set aside*—(a) *Definitions*.

(1) "WFO 54" means War Food Order No. 54 (8 F.R. 7210, 9 F.R. 4319)

(2) "WFO 54-2" means War Food Order No. 54-2 (originally issued as Food Distribution Order No. 54-2, 8 F.R. 9903; and redesignated as War Food Order No. 54-2, 9 F.R. 4319).

(3) Each term defined in WFO 54 shall, when used herein, have the same meaning as set forth in said order.

(b) *Percentages of dried skim milk to be set aside*. Each person who is required to set aside dried skim milk pursuant to the provisions of WFO 54 shall set aside in the calendar month of May 1944, and in each succeeding calendar month, (1) a quantity of spray dried skim milk equal to 75 percent of all spray dried skim milk produced by such person during each such month, and (2) a quantity of roller dried skim milk equal to 50 percent of all roller dried skim milk produced by such person during each such month.

(c) *WFO 54-2 superseded*. This order supersedes in all respects WFO 54-2 except that (1) as to any violation of said WFO 54-2, or rights accrued, liabilities incurred, or appeals taken under said WFO 54-2, prior to the effective date hereof, said WFO 54-2 shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal; and (2) as to any obligation to set aside dried skim milk, imposed on or prior to April 30, 1944, pursuant to WFO 54-2, such obligation shall continue subsequent to April 30, 1944.

(d) *Effective date*. This order shall become effective at 12:01 a. m., e. w. t., May 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 1st day of May 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44-6225; Filed, May 1, 1944;
3:31 p. m.]

[WFO 79-4, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN WASHINGTON, D. C., SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4319), dated September 7, 1943, and to effectuate the purposes thereof, War Food Order No. 79-4 (8 F.R. 13368, 9 F.R. 4319), relative to the conservation, and distribution of fluid milk, milk byproducts, and cream in the Washington, D. C. milk sales area, is hereby amended by deleting § 1401.38 (g) (3), and substituting therefor, the following:

(g) (3) Milk byproduct, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., May 1, 1944. With respect to violations of said War Food Order No. 79-4, rights accrued, or liabilities incurred prior to the effective time of this amendment, said War Food Order No. 79-4, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E. O. 9280, 7 F. R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283; 9 F.R. 4319)

Issued this 1st day of May 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44-6226; Filed, May 1, 1944;
3:31 p. m.]

[WFO 79-113, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN WINSTON-SALEM, N. C., SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4319), dated September 7, 1943, and to effectuate the purposes thereof, War Food Order No. 79-113 (9 F.R. 148, 9 F.R. 4319), relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Winston-Salem, North Carolina, milk sales area, is hereby amended by deleting the description of the sales area in § 1401.147 (b) and inserting, in lieu thereof, the following:

The city of Winston-Salem and, in addition thereto, the territory within a radius of five miles from the Court House in said city of Winston-Salem, in the county Forsyth, State of North Carolina.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., May 1, 1944. With respect to violations of said War Food Order No. 79-113, rights accrued, or liabilities incurred prior to the effective time of this amendment, said War Food Order No. 79-113 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4319)

Issued this 1st day of May 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44-6227; Filed, May 1, 1944;
3:31 p. m.]

[WFO 79-115, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN MIAMI, FLA., METROPOLITAN SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4319), dated September

7, 1943, and to effectuate the purposes thereof, War Food Order No. 79-115 (9 F.R. 632, 4319), relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Miami, Florida, metropolitan milk sales area, is hereby amended as follows:

In § 1401.149 (e) (3) in the case of the base for cream and milk byproducts for the month of May 1944 delete the percentage "82.50" and substitute therefor the percentage "107.50"; and for the month of June 1944 delete the percentage "67.50" and substitute therefor the percentage "92.50."

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., May 1, 1944. With respect to violations of said War Food Order No. 79-115, rights accrued, or liabilities incurred prior to the effective time of this amendment, said War Food Order No. 79-115 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4319)

Issued this 1st day of May 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44-6228; Filed, May 1, 1944;
3:31 p. m.]

[WFO 79-128, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN SAN ANTONIO, TEX., SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4319), dated September 7, 1943, and to effectuate the purposes thereof, War Food Order No. 79-128 (9 F.R. 648, 4319) relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the San Antonio, Texas, milk sales area, is hereby amended by deleting therefrom the provisions in § 1401.163 (j) and inserting, in lieu thereof, the following:

(j) *Quota exclusions and exemptions*. Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, (4) to nursery, elementary, junior high, and high schools, and (5) to the agencies or groups specified in (d) of WFO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., May 1, 1944. With respect to violations of said War Food Order No. 79-128, rights accrued, or liabilities incurred prior to the effective time of this amendment, said War Food Order No. 79-128

shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, (8 F.R. 12426, 13283, 9 F.R. 4319)

Issued this 1st day of May 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44-6229; Filed, May 1, 1944;
3:31 p. m.]

[WFO 79-143, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN ST. PETERSBURG,
FLA., SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4319) dated September 7, 1943, and to effectuate the purposes thereof, War Food Order No. 79-143 (9 F.R. 3763, 9 F.R. 4319) relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the St. Petersburg, Florida, milk sales area, is hereby amended as follows:

In § 1401.177 (e) (3) in the case of the base for cream and milk byproducts, for the month of May 1944, delete the percentage of "75.00" and substitute therefor the percentage "100.00" and for the month of June 1944 delete the percentage "67.50" and substitute therefor the percentage of "92.50."

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., May 1, 1944. With respect to violations of said War Food Order No. 79-143, rights accrued, or liabilities incurred prior to the effective time of this amendment, said War Food Order No. 79-143 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4319)

Issued this 1st day of May 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44-6230; Filed, May 1, 1944;
3:31 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—War Food Administration (Commodity Credit)

[Apple Program, Form 1, Amdt. 2]

PART 242—APPLE FREIGHT EQUALIZATION PAYMENT PROGRAM

CERTAIN SHIPMENTS OF APPLES FROM WASHINGTON, OREGON, AND WESTERN IDAHO

Pursuant to the provisions in the offer of Commodity Credit Corporation, dated December 13, 1943 (8 F.R. 16774), with respect to payments on certain shipments of apples from Washington, Oregon, and Western Idaho, said offer of

December 13, 1943, is hereby amended by deleting therefrom the provisions in § 242.3 and inserting, in lieu thereof, the following:

§ 242.3 *Rates of payment.* The rate of payment hereunder (a) per wrapped box, or (b) per hundredweight of bulk or loose-packed or non-standard wrapped boxed apples, as the case may be, in-

cluded in any eligible shipment from Zone VI and arriving, on or subsequent to October 17, 1943, at destination in Zone I, II, III, or IV shall be determined in accordance with the following schedules and upon the basis of the lowest applicable freight rate per hundredweight from point of shipment in Zone VI to point of destination in any of the foregoing Zones Nos. I to IV.

ELIGIBLE SHIPMENTS ARRIVING AT DESTINATION ON OR AFTER OCTOBER 17, 1943, UP TO AND INCLUDING DECEMBER 12, 1943

TO POINT OF DESTINATION IN ZONE I

Lowest applicable freight rate per cwt. (exclusive of taxes and protective services).....	\$1.03	\$1.13	\$1.15	\$1.20	\$1.25
Equalization payment per standard wrapped box.....	.30	.43	.44	.45	.43
Equalization payment per cwt.....	.78	.86	.83	.83	.83

TO POINT OF DESTINATION IN ZONE II

Lowest applicable freight rate per cwt. (exclusive of taxes and protective services).....	\$1.00	\$1.05	\$1.13	\$1.15	\$1.20	\$1.25	\$1.35	\$1.40
Equalization payment per standard wrapped box.....	.185	.22	.23	.27	.253	.32	.37	.395
Equalization payment per cwt.....	.53	.44	.52	.54	.59	.64	.74	.73

ELIGIBLE SHIPMENTS ARRIVING AT DESTINATION ON OR SUBSEQUENT TO DECEMBER 13, 1943, AT THE APPLICABLE FREIGHT RATE IN EFFECT ON DECEMBER 13, 1943

TO POINT OF DESTINATION IN ZONE I

Lowest applicable freight rate per cwt. (exclusive of taxes and protective services).....	\$1.03	\$1.13	\$1.15	\$1.20	\$1.25
Equalization payment per standard wrapped box.....	.41	.45	.45	.45	.51
Equalization payment per cwt.....	.82	.60	.62	.67	1.02

TO POINT OF DESTINATION IN ZONE II

Lowest applicable freight rate per cwt. (exclusive of taxes and protective services).....	\$1.00	\$1.05	\$1.13	\$1.15	\$1.20	\$1.25	\$1.35	\$1.40
Equalization payment per standard wrapped box.....	.215	.24	.28	.27	.315	.34	.29	.415
Equalization payment per cwt.....	.43	.48	.76	.53	.63	.63	.73	.83

TO POINT OF DESTINATION IN ZONE III OR ZONE IV

Lowest applicable freight rate per cwt. (exclusive of taxes and protective services).....	\$1.00	\$1.05
Equalization payment per standard wrapped box.....	.04	.075
Equalization payment per cwt.....	.08	.13

ELIGIBLE SHIPMENTS ARRIVING AT DESTINATION AT THE INCREASED FREIGHT RATES EFFECTIVE APRIL 25, 1944

TO POINT OF DESTINATION IN ZONE I

Lowest applicable freight rate per cwt. (exclusive of taxes and protective services).....	\$1.15	\$1.25	\$1.30	\$1.35
Equalization payment per standard wrapped box.....	.475	.53	.555	.53
Equalization payment per cwt.....	.92	1.02	1.07	1.12

TO POINT OF DESTINATION IN ZONE II

Lowest applicable freight rate per cwt. (exclusive of taxes and protective services).....	\$1.10	\$1.15	\$1.25	\$1.30	\$1.35	\$1.40	\$1.41
Equalization payment per standard wrapped box.....	.275	.305	.32	.385	.41	.455	.44
Equalization payment per cwt.....	.53	.53	.63	.73	.78	.83	.84

TO POINT OF DESTINATION IN ZONE III OR ZONE IV

Lowest applicable freight rate per cwt. (exclusive of taxes and protective services).....	\$1.00	\$1.05	\$1.10	\$1.15	\$1.15
Freight equalization payment per standard wrapped box.....	.035	.03	.11	.155	.15
Equalization payment per cwt.....	.63	.13	.15	.22	.23

Any interpretation heretofore issued by Commodity Credit Corporation, with respect to the aforesaid offer, shall apply to such offer as herein amended.

The foregoing amendment shall be effective at 12:01 a. m., e. w. t., April 25, 1944 (Sec. 7, 49 Stat. 4; Pub. Law 240, 78th Cong., 1st Sess.)

Issued at Washington, D. C., May 1, 1944.

[SEAL]

COMMODITY CREDIT CORPORATION,
By LEE MARSHALL,
Vice President.

Attest:
NORRIS J. FAUBLE,
Assistant Secretary.

[F. R. Doc. 44-6270; Filed, May 2, 1944; 11:22 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T.D. 51049]

PART 3—DOCUMENTATION OF VESSELS

MISCELLANEOUS AMENDMENTS

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

The Customs Regulations of 1943 are hereby amended as follows:

Section 3.13 (a) is amended to read as follows:

§ 3.13 *Official number and signal letters.* (a) Every documented vessel shall have an official number awarded by the Commissioner of Customs. Application therefor shall be made on customs Form 1320 by the owner or his agent through the collector of customs. When the application is filed with the collector at the port designated as the home port of the vessel, the application shall be in duplicate. When the application is filed with the collector at any port other than the home port of the vessel, the application shall be in triplicate. The name or names of any former owner or owners shall be stated on the application. If there was no former owner, that fact shall be stated. In the case of corporate ownership, the application shall be signed in the corporate name by the president, secretary, or a specially authorized officer of the corporation, or by an authorized agent. In the case of a partnership, the partnership name shall be signed by one of the partners, or by a duly authorized agent. In the case of individual ownership by two or more persons, one of the owners may sign in his own name as managing owner, provided there is filed with the collector a written authorization for him to act in that capacity signed by the owners of a majority interest in the vessel. In every case the capacity in which the person signs, whether as owner, managing owner, agent, etc., shall be clearly stated below his signature. If a signature is by mark, it shall be witnessed by two persons, or acknowledged. Any acknowledgment valid under the law of the state where made may be accepted. No customs officer or employee is authorized by section 486, Tariff Act of 1930, to take such acknowledgments. (R.S. 161, secs. 2, 3, 23, Stat. 118, 119, R.S. 4177, as amended; 5 U.S.C. 22, 46 U.S.C. 2, 3, 45. E.O. 9083; 7 F.R. 1609)

Paragraph (b) of § 3.13 is hereby rescinded, and paragraphs (c), (d), and (e) of that section are relettered (b), (c), and (d), respectively. (R.S. 161; 5 U.S.C. 22.)

Section 3.22 is amended by adding at the end thereof a new paragraph (d) reading as follows:

§ 3.22 *Issue and record of marine documents.* * * *

(d) No document shall be issued to any vessel prior to the receipt by the collector of the approval of the designation of the home port by or on behalf of the owner in whose name the document is to be issued. (R.S. 161, secs. 2, 3, 23

Stat. 118, 119, R.S. 4141, R.S. 4155, as amended, 4164, as amended, R.S. 4176, 4314, as amended, 4319, as amended, 4329, as amended, sec. 1, 43 Stat. 947 5 U.S.C. 22, 46 U.S.C. 2, 3, 17, 18, 25, 34, 44, 254, 259, 271. E.O. 9083; 7 F.R. 1609)

Section 3.26 (a) is amended to read as follows:

§ 3.26 *Surrender of permanent documents.* (a) The marine document shall be surrendered when a vessel is sold or transferred in whole or in part; when the owner of the whole or any part of a vessel dies; when a vessel has been lost, abandoned, dismantled, or taken by an enemy, or otherwise prevented from returning to the United States; when a vessel is burned or broken up; when a vessel is altered in form by being lengthened, shortened, or built upon, or is changed from one denomination to another by a change in the method of rigging or fitting; when the tonnage of a vessel is changed for any reason; when a vessel is altered so that it is no longer of the description set forth in its document; when a vessel changes from one employment to another; when a vessel is placed under foreign registry or flag; when a vessel changes her name; when the home port of a vessel is changed; when a president or secretary whose name appears on the document of a vessel owned by a corporation dies, is removed, or resigns; and when a trustee is appointed upon bankruptcy of the owner of the whole or any part of a vessel. The approval of the United States Maritime Commission of the surrender of the document of a vessel covered by a preferred mortgage shall be obtained, except as specified in note 19, § 3.30 (a) of this part. (R.S. 161, sec. 2, 23 Stat. 118, R.S. 4146, as amended, R.S. 4160, 4170, as amended, R.S. 4322, 4325, as amended, sec. 30, subsec. O (a), 41 Stat. 1004, sec. 204, 49 Stat. 1987; 5 U.S.C. 22, 46 U.S.C. 2, 23, 30, 39, 264, 267, 961 (a), 1114; E.O. 9083; 7 F.R. 1609)

Section 3.26 is further amended by adding at the end thereof a new paragraph (d) reading as follows:

(d) A document need not be surrendered because of the appointment of a guardian or committee for the owner of the whole or any part of the vessel, nor because of the appointment of a receiver, either in bankruptcy or in equity, of the assets of the owner of the whole or any part of the vessel. (R.S. 161, sec. 2, 23 Stat. 118, R.S. 4170, as amended, R.S. 4325, as amended; 5 U.S.C. 22, 46 U.S.C. 2, 39, 267; E.O. 9083; 7 F.R. 1609)

Section 3.32 is amended to read as follows:

§ 3.32 *Sale or transfer of vessel.* (a) Except as stated in § 3.35 of this part, when a documented vessel is sold or transferred in whole or in part to a citizen,²¹ such vessel shall not be deemed a vessel of the United States until documented anew.

(b) In the case of the sale, gift, or conveyance (including conveyance in trust) of the whole or any part of such

vessel, a written instrument in the nature of a bill of sale, which may be on customs Form 1340, 1342, 1344, 1346, or 1356, and which shall recite in full the marine document last granted to the vessel before the execution of the instrument, shall be filed with the collector of customs before a new document is granted.

(c) In case of the death of the owner of the whole or any part of such a vessel, if there is an administration of his estate, except as provided for in paragraph (e) of this section an authenticated copy of the certificate of death of the owner and of the letters of appointment of the personal representative of the deceased owner shall be filed with the collector of customs before a new document is granted to that personal representative or to his successors in interest. In such a case, an authenticated copy of the certificate of death of the owner (unless previously filed by the personal representative of the deceased owner) and of the decree of distribution shall be filed with the collector of customs before a new document is granted to the beneficiary under a will, to the person succeeding to the interest of the deceased owner in case of intestacy, or to successors in interest of either of them. The filing of the will of a deceased owner shall not be required.

(d) In case of the death intestate of the owner of the whole or any part of such a vessel, if there is no administration of his estate the collector shall forward to the Bureau a statement of all the facts and circumstances and, except as provided for in paragraph (e) of this section, an authenticated copy of the certificate of death of the owner, together with any documentary evidence in support of the claim of title presented to him, before a new document is granted to the next of kin of the deceased owner or to his successors in interest.

(e) If it is impossible to obtain an authenticated copy of the certificate of death of the deceased owner of the whole or any part of such a vessel for filing with the collector as required by paragraphs (c) or (d) of this section, other evidence of death of such deceased owner shall be filed with the collector in lieu thereof.

(f) In case of the sale or conveyance of the whole or any part of such a vessel by a guardian or committee of the owner thereof, an authenticated copy of the letters of guardianship and of the court order, if any, authorizing the transfer of title shall be filed with the collector of customs before a new document is granted.

(g) In case of the appointment of a trustee in bankruptcy of the assets of the owner of the whole or any part of such a vessel, an authenticated copy of the order of the referee or court appointing him as such shall be filed with the collector of customs before a new document is granted.

(h) The certificates, letters, decrees, orders, and other evidence of title referred to in paragraphs (c), (d), (e), (f), and (g) of this section shall not be

required to recite a marine document of the vessel concerned. (R.S. 161, sec. 2, 23 Stat. 118, R.S. 4170, as amended; R.S. 4312, sec. 9, 39 Stat. 730, as amended; 5 U.S.C. 22, 46 U.S.C. 2, 39, 252, 808; E.O. 9083; 7 F.R. 1609)

Paragraphs (b), (c), (e), and (f) of § 3.33 are amended to read as follows:

§ 3.33 Recording of bills of sale and mortgages. * * *

(b) No such instrument shall be accepted for recording prior to the receipt by the collector of the approval of the designation of the home port; nor unless the vessel affected is documented as a vessel of the United States or will be so documented substantially simultaneously with the recording of the instrument. If there has been more than one change in ownership of any interest in a vessel and the vessel has not been documented by the intermediate owners, all unrecorded bills of sale which are executed in the form and manner prescribed by this section may be recorded upon documentation of the vessel. No mortgage shall be accepted for recording unless the vessel which it covers was documented as a vessel of the United States at the time the mortgage was made. Any mortgage presented for recording may be on customs Form 1348.

(c) No such instrument shall be valid against any person other than the vendor, mortgagor, pledgor, grantor, the heirs or devisees of any of the foregoing, or a person having actual notice thereof, unless the instrument has been recorded in the office of the collector of customs at the home port of the vessel. If the instrument covers more than one vessel, it shall be recorded at the home port of each vessel and indexed under the name of each vessel whose home port is the port of recordation. The collector shall record all such instruments and certificates of discharge of mortgages in the order of their receipt in books to be kept for that purpose and indexed on customs Form 1360 or 1364 to show (1) the name of the vessel, (2) the names of the parties to the instrument, (3) the date and time of day the instrument was received, (4) the interest transferred, mortgaged, or discharged, (5) the book in which the instrument is recorded, (6) the number assigned to the instrument, and (7) in the case of a mortgage or certificate of discharge of mortgage, the amount and date of maturity of the mortgage.

(e) No certificate of death of the owner of any interest in a vessel, letters of appointment of the personal representative of a deceased owner, decree of distribution of the estate of a deceased owner, will of a deceased owner, letters of guardianship appointing a guardian or committee of an owner, order of a referee or court appointing a trustee in bankruptcy of the assets of an owner, nor court order authorizing the transfer of title of any interest in a vessel shall be recorded unless incorporated in a bill of sale, mortgage, hypothecation, or conveyance of an interest in a vessel of the United States.

(f) No bill of sale, conveyance, mortgage, release from mortgage, satisfaction or discharge of mortgage, assignment of mortgage, or certificate of discharge of lien shall be recorded unless previously acknowledged. Any acknowledgment valid under the laws of the state where made may be accepted. No customs officer or employee is authorized by section 486, Tariff Act of 1930, to take such acknowledgments. (R.S. 161, sec. 2, 23 Stat. 118, sec. 30, subsecs. C, H, 41 Stat. 1000, 1002, sec. 2, 43 Stat. 948; 5 U.S.C. 22, 46 U.S.C. 2, 921, 926, 1012; E.O. 9083; 7 F.R. 1609)

Section 3.38 (h) is amended to read as follows:

§ 3.38 Record and endorsement of preferred mortgages and related instruments. * * *

(h) Each notice of claim of lien and certificate of discharge of lien presented to a collector shall be recorded in a book to be kept for that purpose and indexed on customs Form 1364. (R.S. 161, sec. 2, 23 Stat. 118, sec. 30, subsecs. C, D, G, W, 41 Stat. 1000, 1002, 1006, 49 Stat. 424; 5 U.S.C. 22, 46 U.S.C. 2, 921, 922, 925, 983; E.O. 9083; 7 F.R. 1609)

Part 3 is further amended by adding at the end thereof a center head, and two new §§ 3.80 and 3.81 reading as follows:

REGISTRATION OF PRIVATE CODE SIGNALS, HOUSE FLAGS, AND FUNNEL MARKS

§ 3.80 Application for registration of rockets, lights, or other similar code signals, house flags, or funnel marks. (a) Application for the registration of private code signals by rockets, lights, or other similar means shall be submitted in duplicate through the office of a collector of customs to the Commissioner of Customs by the owner of the vessel or vessels by which they are to be used. The application shall describe in detail the signals which it is desired to use and shall state the purpose for which they will be used.

(b) Application for the registration of a house flag or funnel mark, or both, shall be submitted in duplicate through the office of a collector of customs to the Commissioner of Customs by the owner of the vessel or vessels on which they are to be used. The application for registration of a house flag shall describe such flag in detail, giving the colors, shape, and proportionate dimensions of the fly, field, union, or canton, and any insignia, markings, or stripes thereon in relation to the length of the hoist. Funnel marks shall be described in detail giving the colors to be used, the position of any insignia, markings, or stripes with relation to the top or collar of the funnel, the size of such insignia, markings, or stripes in relation to the diameter of the funnel, and the color of the remainder of the funnel. In addition there shall be submitted three replica drawings of the house flag or funnel, or both, drawn to scale, in the colors to be used, in ink, watercolor, oil pigments, or other permanent colors, and not exceeding 6 by 4 inches in size. (R.S. 161, secs. 2, 3, 23 Stat. 118, 119, sec. 7, 35 Stat. 426; 5 U.S.C. 22, 46 U.S.C. 2, 3, 49; E.O. 9083; 7 F.R. 1609)

§ 3.81 Registration of rockets, lights, or other similar signals, house flags, or funnel marks. (a) Except as stated in paragraph (b) of this section, upon the filing of an application duly executed in accordance with § 3.80 of this part, the Commissioner of Customs will register private code signals by rockets, lights, or other similar means, house flags, and funnel marks, and will cause a description of such signals, flags, or funnel marks to be filed with the Division of the Federal Register, together with one replica drawing of the house flag or funnel mark, or both.

(b) The Commissioner will refuse to register any signals which in his opinion cannot easily be distinguished from signals of distress, signals for pilots, or signals prescribed by laws for preventing collisions. The Commissioner will also refuse to register any signal, flag, or funnel mark which is identical or nearly identical with one previously registered.

(c) Applicants will be notified of the action of the Commissioner through the office of the collector transmitting the application. (R.S. 161, secs. 2, 3, 23 Stat. 118, 119, sec. 7, 35 Stat. 426; 5 U.S.C. 22, 46 U.S.C. 2, 3, 49; E.O. 9083; 7 F.R. 1609)

Section 4.1 (c) is amended to read as follows:

§ 4.1 Boarding of vessels; cutter and dock passes. * * *

(c) No person, with or without the consent of the master, except a pilot, officer of the customs or coast guard, immigration officer, health officer, agent of the vessel, or consular officer, shall go on board or, except for the purpose of reporting the arrival of the vessel as required by law, leave any vessel arriving from outside the customs territory of the United States without permission of the collector of customs or the customs officer in charge until such vessel has been properly inspected by the customs and brought to the dock or anchorage at which cargo is to be laden or unladen and until all passengers and their baggage have been landed from the vessel.² Every person permitted to go on board shall be subject to customs and quarantine regulations. (R.S. 161, sec. 2, 23 Stat. 118, sec. 9, 22 Stat. 189, secs. 1, 2, 3, 31 Stat. 53, sec. 1, 33 Stat. 711, sec. 1, 37 Stat. 736, sec. 624, 46 Stat. 759, R.S. 251; 5 U.S.C. 22, 19 U.S.C. 1624, 19 U.S.C. 66 and Sup. III, 46 U.S.C. 2, 158, 163; E.O. 9083; 7 F.R. 1609)

Section 4.24 (d) as amended by T.D. 50881, is hereby further amended to read as follows:

§ 4.24 Application for refund of tonnage tax. * * *

(d) The collector of customs to whom payment was made shall make any refund authorized by the Commissioner of Customs. Unless the payment from which refund is authorized has been deposited in special deposit account, an authorized refund shall be made only to the owner of the vessel concerned or to its charterer. If the payment has been deposited in special deposit account,

an authorized refund shall be made only to the payor. (R.S. 161, sec. 3, 23 Stat. 119; sec. 26, 23 Stat. 59; 5 U.S.C. 22, 18 U.S.C. 643, 46 U.S.C. 3; E.O. 9083; 7 F.R. 1609)

Section 4.60 (d) is amended to read as follows:

§ 4.60 Vessels required to clear. * * *

(d) In the event that departure is delayed beyond the second day after clearance, the delay shall be reported within 72 hours after clearance to the collector who shall note the fact of detention on the certificate of clearance and on the official record of clearance. When the proposed voyage is canceled after clearance, the reason therefor shall be reported in writing within 24 hours after such cancellation and the certificate of clearance and related papers shall be surrendered. (R.S. 161, sec. 2, 23 Stat. 118, 55 Stat. 733, R.S. 4197, as amended; 5 U.S.C. 22, 19 U.S.C. 288 and Sup. III, 46 U.S.C. 2, 91, 46 U.S.C. 111 and Sup. III, 46 U.S.C. 123 and Sup. III; E.O. 9083; 7 F.R. 1609)

Section 4.69 is hereby amended to read as follows:

§ 4.69 Shipping articles and enforcement of Seamen's Act. No vessel of the United States bound for a foreign port outside the British North American possessions, the West Indies, and Mexico, shall be granted final clearance until there has been presented to the collector at the port of final departure the shipping articles of the vessel executed in duplicate before a shipping commissioner on coast guard Form 705, 705-A, or 705-B, and the collector shall have attached his certificate on coast guard Form 1435 to the duplicate copy of the articles and returned it together with the original to the master; nor shall any vessel, bound for a foreign port, be granted final clearance until the collector is satisfied that there has been full compliance with the pertinent requirements of sections 11 and 13 of the Seamen's Act of March 4, 1915 (46 U. S. C. 599, 672), and the coast guard regulations issued thereunder, relating to allotments of wages, the language test, and the crew. (R.S. 161, sec. 2, 23 Stat. 118; 5 U.S.C. 22, 46 U.S.C. 2; E.O. 9083; 7 F.R. 1609)

Section 4.80 (a) is amended to read as follows:

§ 4.80 Vessels entitled to engage in coastwise trade. (a) No vessel shall transport any passenger or merchandise between points in the United States embraced within the coastwise laws, including points within a harbor, unless it is:

(1) Owned by a citizen, as defined in § 3.19 (a) and (b), and is so documented under the laws of the United States as to permit it to engage in the coastwise trade; or

(2) Owned by a citizen, as defined in § 3.19 (a) and (b), is exempt from documentation,²⁰ and is entitled to or, except for its tonnage, would be entitled to be enrolled and licensed or licensed for the coastwise trade; or

(3) Owned by a partnership or association in which at least a 75 percent interest is owned by such a citizen, is exempt from documentation, and is entitled to or, except for its tonnage, or citizenship of its owner, or both, would be entitled to be enrolled and licensed or licensed for the coastwise trade. (See § 3.19 (d).) (R.S. 161, sec. 2, 23 Stat. 118, R. S. 4311, sec. 2, 39 Stat. 729, as amended, sec. 27, 41 Stat. 999, as amended; 5 U.S.C. 22, 46 U.S.C. 2, 251, 802, 883; E.O. 9083; 7 F.R. 1609)

Section 4.96 (b) is amended to read as follows:

§ 4.96 Fisheries. * * *

(b) A vessel of the United States to be employed in fishing may be enrolled and licensed or licensed, depending upon its size, or registered. If registered, the vessel must be entitled to be enrolled and licensed or licensed for the fisheries. (See §§ 3.2 and 3.42.) (R.S. 161, sec. 2, 23 Stat. 118, R.S. 4132, as amended, R.S. 4311, 4339; 5 U.S.C. 22, 46 U.S.C. 2, 11, 251, 280; E.O. 9083; 7 F.R. 1609)

W. R. JOHNSON,
Commissioner of Customs.

Approved: May 1, 1944.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 44-8278; Filed, May 2, 1944;
12:34 p. m.]

TITLE 24—HOUSING CREDIT

Chapter VII—National Housing Agency

[Reg. 60-9A]

PART 702—PRIVATE WAR HOUSING

LIMITATIONS ON TOTAL MONTHLY PAYMENTS

- | | |
|--------|---------------------------------------|
| Sec. | General. |
| 702.25 | Definition of total monthly payments. |
| 702.27 | Applicability of this regulation. |
| 702.28 | Agency jurisdiction. |
| 702.29 | Tenant's responsibility. |

AUTHORITY: §§ 702.25 to 702.29, inclusive, issued under 54 Stat. 676 as amended by 55 Stat. 236 and 56 Stat. 177, 50 U.S.C. 1152; E.O. 9024, 7 F.R. 329 as amended by E.O. 9040, 7 F.R. 527, E.O. 9125, 7 F.R. 2719, E.O. 9335, 8 F.R. 5425; W.P.B. Directive 26, 8 F.R. 8801.

§ 702.25 General. The purpose of this regulation is to define more specifically the limitations applicable to total monthly payments for private war housing rented by war workers.

§ 702.26 Definition of total monthly payments. (a) The overall limitations on the total monthly payments which owners may accept from or require of tenants of private war housing rented by war workers are specified in section 3.01 of NHA General Order No. 60-3c as follows:

* * * the payments specified in the application for priority assistance or authority to begin construction submitted in connection with such dwelling units, which total monthly payments (unless otherwise authorized in section 4 hereof) shall in no event

exceed \$50 per month shelter rent per unfurnished dwelling unit plus a reasonable charge for tenant services (in no event, exceeding \$3 per month per room), plus a reasonable price for garage space, plus the actual cost on a pro rata basis of tenant gas and electricity * * *

(b) The owner is required in return for the approved monthly payment to supply and suitably to maintain the dwelling unit and appurtenances described in the application.

(c) "Shelter rent," as used in connection with private war housing means the total rent approved pursuant to the PD-105, less additional charges and approved charges for tenant services.

(d) "Charges for tenant services," means the charges for those of the services listed below which are stipulated on the PD-105 and approved, and no other service charge shall be approved, allowed or collected by the owner for any other item or service:

(1) Heating and air conditioning, including heat and air conditioning supplied direct to tenants, pro rata charges for heating and air conditioning common hallways, stairways and rooms, and heating hot water for tenant use.

(2) Janitor or maid service to tenants, including cleaning of common hallways and rooms.

(3) Project lighting, including lighting of common hallways and rooms, common recreation areas and driveways, exclusive of tenant gas and electricity.

(4) Elevator service, maintenance and operating expenses, but not depreciation.

(5) Water, including cost of water supplied direct for tenant use and for use in common rooms such as laundries.

(6) Garbage and rubbish removal.

(7) Insect and rodent extermination.

(8) Extra equipment, including venetian blinds, telephone and buzzer equipment in tenant units; furniture, carpets, mats, stair treads, draperies, and recreation equipment in common areas, but not including project office furniture and similar management overhead.

(9) Cooking ranges and refrigerators or iceboxes.

(10) Ground maintenance.

NOTE: The National Housing Agency does not determine the charge permitted for household furniture and furnishings supplied for tenant use in dwelling units (as distinguished from furniture supplied in common hallways and common rooms). Such charges are determined by OPA.

(e) Other charges mentioned in the quotation in § 702.26 (a) are defined as follows:

(1) "Reasonable price for garage space" means a reasonable charge approved by the local FHA office and specified in the priority application. Such a charge will be approved only if the local FHA office determines that garage space need not be supplied as an essential part of the dwelling unit and included in the shelter rent.

(2) "Actual cost on a pro rata basis of tenant gas and electricity" means the cost to the landlord divided as equitably as possible among the tenants. Such charges may not be specified in the pri-

ority application or approved by the local FHA office.

§ 702.27 *Applicability of this regulation.* (a) This regulation is applicable to all private war housing rented by war workers for which a PD-105 application is submitted to the local office of the Federal Housing Administration on or after the effective date hereof.

(b) This regulation shall also apply to private war housing for which a PD-105 application was submitted to the local office of the Federal Housing Administration prior to the effective date hereof; *Provided*, That charges specifically authorized in the application for such housing will be permitted even though not permitted under § 702.26 of this order, *And provided, further*, That no increase in total monthly payment for such housing shall be effected by this regulation except upon application to the Office of the Regional Representative of the National Housing Agency, through the local office of the Federal Housing Administration, if such housing is not yet occupied, or to the Office of Price Administration if occupancy has occurred. Any increase in total monthly payment for such housing shall, after the effective date of this regulation, be authorized only in accordance with the definitions in § 702.26.

§ 702.28 *Agency jurisdiction.* (a) Directive 25 of the War Production Board has delegated WPB jurisdiction over matters pertaining to rents chargeable for priority-assisted private war housing, including interpretation and formulation of policy, to the National Housing Agency, and such matters will be processed by the National Housing Agency.

(b) This jurisdiction applies only to the initial rental—established prior to initial occupancy—which may be charged for private war housing. Once the housing has been occupied the National Housing Agency has no jurisdiction over changes in the rent chargeable or the facilities, equipment and services which owners shall furnish. After initial occupancy, all such matters are within the jurisdiction of the Office of Price Administration.

(c) The local offices of the Federal Housing Administration shall, in certifying as eligible a project described in a PD-105, determine that the accommodations proposed to be provided are suitable for the persons for whom intended and that the total monthly payment stated in the application is consistent with the accommodations described therein.

(d) When local FHA offices are unable to determine any question of interpretation of this regulation, they may refer the case to the NHA Regional Representative for decision. Such references should be accompanied by a full statement of all the facts and circumstances relevant to the case, together with recommendations.

(e) When Regional Representatives are unable to interpret or apply any portion of this regulation, they shall refer the appropriate question to the Office of the Administrator.

§ 702.29 *Tenant's responsibility.* Although landlords are responsible for maintaining the construction, equipment and condition of private war housing, none of the provisions of this regulation shall be interpreted as relieving the tenant from legal liability for waste.

This regulation shall be effective March 9, 1944.

JOHN B. BLANDFORD, Jr.,
Administrator.

[F. R. Doc. 44-6293; Filed, May 3, 1944;
9:35 a. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 802—RULES OF PROCEDURE

VIOLATION PROCEEDINGS

The following rules of procedure relative to possible violation of the Wage and Salary Stabilization Program were adopted by the National War Labor Board on July 30, 1943, and govern the procedure to be taken by officials of the National War Labor Board or Regional War Labor Boards and parties to violation proceedings.

- Sec.
802.70 Preliminary inquiry.
802.71 Submission of a report to the Regional War Labor Board.
802.72 Hiring of new employees.
802.73 Conduct of hearing.
802.74 Findings of Regional War Labor Board.
802.75 Appeal to the National War Labor Board.
802.76 Review by the National War Labor Board.
802.77 Transmittal of findings to appropriate Government agencies.

AUTHORITY: §§ 802.70 to 807.77, inclusive, issued under E.O. 9259, 7 F.R. 7871, as amended by E.O. 9381, 8 F.R. 13083; E.O. 9328, 8 F.R. 4631; Regs. of Economic Stabilization Director, 7 F.R. 8748, 8 F.R. 6489, 6490, 11960, 12139, 12238, 16702; 56 Stat. 765.

§ 802.70 *Preliminary inquiry.* Upon receipt of information covering a possible violation of the wage and salary stabilization program, the Regional Attorney shall institute a preliminary inquiry. If the Regional Attorney, after consultation with the employer is satisfied that no violation has occurred, the matter will be closed and the employer appropriately notified.

§ 802.71 *Submission of a report to the Regional War Labor Board.* At the conclusion of the preliminary inquiry, or any further or additional investigation that may be warranted, the Regional Attorney (unless satisfied that no violation has occurred) shall submit to the Regional War Labor Board a written report on the facts. If, upon consideration of such report, the Regional War Labor Board is satisfied that there is reasonable cause for believing that a violation has occurred, it may direct that the alleged violator be requested to appear at a hearing before a tripartite division, or panel of the Regional Board composed of one industry representative, one labor rep-

resentative, and one public representative. At such hearing the public representative shall act as chairman.

§ 802.72 *Hiring of new employees.* If the situation requires such action, the employer may be called upon to show cause within such time as is deemed proper by the Regional Board, why he should not refrain from hiring any new employees at the rates reported to be in violation, pending a hearing before and a finding by the tripartite division or panel.

§ 802.73 *Conduct of hearing.* (a) Not less than ten days' notice of the hearing shall be served by registered mail upon the alleged violator. Such notice shall contain (1) a statement of the time and place of the hearing; (2) a concise statement of the nature of the alleged violation; (3) a statement advising the alleged violator that at the hearing he may be represented by counsel and will be given full opportunity to present written or oral testimony and to examine and cross-examine witnesses on all matters relating to the charge.

(b) For good cause shown, the hearing may be adjourned from time to time by the division or panel.

(c) Evidence in support of the charge shall be presented by the Regional Attorney. The alleged violator may, at his own expense, provide for the making of a verbatim transcript in which case a copy thereof shall be furnished without cost to the division or panel and at the regular cost for copies to any other parties to the proceeding.

(d) Timely notice of the hearing may also be sent to any other person or persons having information relating to the charge. Such persons, in the discretion of the division or panel, may be permitted to present relevant testimony.

(e) Opportunity shall be given to the alleged violator or his counsel to argue orally before the division or the panel and to present written briefs and statements.

§ 802.74 *Findings of Regional War Labor Board.* (a) If, at the conclusion of the hearing, a majority of the division or the panel is satisfied that the charge has been sustained by a preponderance of the evidence, it shall find accordingly.

(b) Proposed findings shall be prepared by the Regional Attorney's office and submitted within five days after the close of the hearings to the panel, and a copy thereof shall be served on the alleged violator. The findings as finally adopted shall be subscribed by the concurring members of the division or the panel, and a copy of the findings shall be served by registered mail on the alleged violator.

§ 802.75 *Appeal to the National War Labor Board.* (a) The findings of the division or panel shall be final, subject, however, to the right of the alleged violator or the Regional Attorney, as the case may be, within 10 days after receipt of notice of the findings, to file with the National War Labor Board an original and four copies of a petition for review (including a legal brief if he desires).

(b) Such petition shall set forth concisely the respects in which it is claimed the findings were erroneous, and shall state in detail the particular ground of the objections and shall make specific reference to those portions of the record upon which reliance is placed.

(c) If no timely petition for review is filed and if the National War Labor Board does not review on its own motion, the findings of the division or panel shall, on the day following the last day for filing a petition, stand confirmed as the findings of the National War Labor Board.

§ 802.76 *Review by the National War Labor Board.* Upon consideration of the petition for review, the National War Labor Board will render its decision upon the record, the objections of the parties, the replies or comments thereto, and such further oral or written argument or proof as it may require or permit. In rendering its decision, the National War Labor Board may affirm, reverse or modify the findings or send the matter back to the division or the panel for appropriate action.

§ 802.77 *Transmittal of findings to appropriate Government agencies.* (a) If within the ten days stated above, a petition for review is not filed, the Regional Attorney shall forward to the National War Labor Board the findings of the division or panel for transmittal, in the National War Labor Board's discretion, to the Commissioner of Internal Revenue, the Attorney General, or any other appropriate governmental agency.

(b) If a petition for review is filed within the 10 day period above stated, the National War Labor Board shall transmit its decision and the appropriate findings to the alleged violator, the Regional Attorney, and, in its discretion to the Commissioner of Internal Revenue, the Attorney General, or any other appropriate governmental agency.

THEODORE W. KHEEL,
Executive Director.

[F. R. Doc., 44-6301; Filed May 3, 1944;
10:48 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service

Subchapter A—Bureau of Accounts

[1944 Dept. Circ. 327 (Rev.)¹]

PART 204—ISSUE OF DUPLICATES² OF CHECKS OF THE UNITED STATES³

APRIL 29, 1944.

Part 204, Subchapter A, Chapter II,
Title 31 of the Code of Federal Regula-

¹The introductory paragraph of Treasury Department Circular No. 327 (Revised), dated April 29, 1944, corresponds to § 204.0 of this part, and secs. 1 to 7, inclusive, of that Circular correspond respectively to §§ 204.1 to 204.7, inclusive, of this part.

²The word "duplicate" as used herein means a "substitute, marked duplicate" as provided in section 3646 of the Revised Statutes of 1873, as amended (31 U.S.C. 528).

³The forms mentioned in this part were filed as a part of the original document with

tions of the United States of America (appearing also as Treasury Department Circular No. 327 (Revised), dated October 27, 1939) is hereby revised to read as follows:

Sec.

- 204.0 Introductory.
- 204.1 Advice of nonreceipt or loss.
- 204.2 Request for duplicate check.
- 204.3 Issuance of duplicate check.
- 204.4 Procedure where disbursing officer who issued original check is dead or no longer in the service of the United States.
- 204.5 Receipt or recovery of original check.
- 204.6 Amendment of regulations.
- 204.7 Previous regulations superseded.

AUTHORITY: §§ 204.0 to 204.7, inclusive, issued under R.S. 3646, sec. 9, 50 Stat. 482, secs. 5-7, 53 Stat. 1359, R.S. 3647, 35 Stat. 644, sec. 304, 42 Stat. 24; 31 U.S.C. 528, 31 U.S.C. 119.

§ 204.0 *Introductory.* The regulations in this part governing the issuance of duplicates of checks drawn by a duly authorized officer or agent of the United States, the District of Columbia, or the District Unemployment Compensation Board, on their behalf against an account or funds of the United States, the District of Columbia, or the District Unemployment Compensation Board, including instruments issued by any corporation or other entity owned or controlled by the United States, the funds of which are deposited and covered into the Treasury of the United States or deposited with the Treasurer of the United States, are hereby established pursuant to the provisions of section 3646 of the Revised Statutes of 1873, as amended (31 U.S.C. 528), and section 3647 of the Revised Statutes of 1873, as amended (31 U.S.C. 119). The requirements contained in this part must be strictly observed except as the Secretary of the Treasury, being satisfied that observance thereof is not necessary to carry out the purposes of the law and the regulations in this part may waive or modify any such requirement.

§ 204.1 *Advice of nonreceipt or loss.* In the event of the nonreceipt or loss of such a check, the owner, better to protect his interest, should immediately notify the Treasurer of the United States or the Federal Reserve Bank through which payable or other drawee, describing the check, stating the name of the officer or agent of the United States, the District of Columbia, the District Unemployment Compensation Board, or the corporation or entity by which the check was drawn, giving, if possible, its date, number, and amount, and requesting that payment be stopped.

Upon receipt of such request by the Treasurer of the United States and upon a determination that the check is outstanding or upon receipt of advice from a drawee other than the Treasurer that such request has been received and that the check has been found to be outstanding, a bond of indemnity (Form 2244⁴) or, in an appropriate case, an application (Form 2244a) will be prepared in the

the Division of the Federal Register. Copies may be obtained upon request from the office of the Division of Disbursement, U. S. Treasury Department, Washington, D. C.

⁴Filed as part of the original document,

Treasurer's office and transmitted for execution by the claimant who will transmit the duly executed form to the drawer of the original check, except as otherwise provided in § 204.4.

§ 204.2 *Request for duplicate check.* A bond of indemnity (Form 2244) in a penal sum equal to the amount of the check or, in an appropriate case (See §§ 204.3a-204.3e), an application (Form 2244a), in substantially the form prescribed, must be executed by the claimant and submitted to the drawer of the original check except as otherwise provided in § 204.4, giving the claimant's name and residence in full, describing the check and all endorsements thereon and showing the claimant's interest therein. In the event the claimant is someone other than the payee of the original check he should present clear and satisfactory evidence of his ownership.

If executed in a foreign country, by one other than an officer or an employee of the United States, or a member of the Armed Forces of the United States, the application shall be sworn to before (a) a diplomatic or consular officer of the United States, or (b) an officer of the United States Army, Navy, Marine Corps, or Coast Guard, or (c) an official of such foreign country authorized by law to administer oaths generally, and such foreign official shall affix his official seal, if any, and a diplomatic or consular officer of the United States shall certify that the foreign official who administered the oath was duly authorized under the laws of such foreign country so to act.

§ 204.3 *Issuance of duplicate check.* Before the close of the fiscal year following the fiscal year in which the original check was issued, the drawer will prepare a duplicate (marked "Duplicate") which must be an exact transcript of the original, special care being taken that the number, date, amount, and name of the payee correspond to those of the original. In the case of checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws, duplicates may be issued without limitation of time. The drawer will then forward, without delay, the bond of indemnity (Form 2244) or, in an appropriate case, the application (Form 2244a), and the duplicate check to the Division of Disbursement, Treasury Department. The bond of indemnity or the application and the information obtained shall be examined by the Division of Disbursement and if satisfactory shall be scheduled and submitted to the Secretary of the Treasury for approval.

Certification of approval shall be made in writing by the Chief Disbursing Officer or the Assistant Chief Disbursing Officer on the duplicate check. Any duplicate issued pursuant to these regulations, and certified as provided above, may, if properly endorsed, be paid subject to the same rules and regulations as apply to payment of original checks.

Unless the Secretary of the Treasury deems a bond of indemnity is essential to the public interest, or unless the drawer of the check is no longer in the service of the United States, no bond of indemnity shall be required in any of the following classes of cases:

(a) If the Secretary of the Treasury is satisfied that the loss, theft, destruction, mutilation, or defacement, as the case may be, occurred without fault of the owner or holder and while the check was in the custody or control of the United States, including the Postal Service when carrying mail for an officer, employee, agent, or agency of the United States when performing services in connection with an official function of the United States, but not including the Postal Service when otherwise acting solely in its capacity as a public carrier of the mail, or of a person thereunto duly authorized as lawful agent of the United States; or while it was in the course of shipment effected pursuant to and in accordance with regulations issued under the provisions of the Government Losses in Shipment Act, as amended;

(b) If substantially the entire check is presented and surrendered by the owner or holder and the Secretary of the Treasury is satisfied as to the identity of the check presented and that any missing portions are not sufficient to form the basis of a valid claim against the United States; and in cases where the circumstances justify such action, a letter of application may be accepted in lieu of Form 2244a;

(c) If the Secretary of the Treasury is satisfied that the original check is not negotiable and cannot be made the basis of a valid claim against the United States;

(d) If the amount of the check is less than \$50 and the check has not been endorsed by the payee; ~

(e) If the owner or holder is the United States or an officer or employee thereof in his official capacity, a State, the District of Columbia, a Territory or possession of the United States, including the Commonwealth of the Philippine Islands, a municipal corporation or political subdivision of any of the foregoing, a corporation the whole of whose capital is owned by the United States, a foreign government, or a Federal Reserve Bank.

§ 204.4 *Procedure where disbursing officer who issued original check is dead or no longer in the service of the United States.* In case of the loss of a check issued by an officer or agent (other than the Secretary of the Treasury, or the Treasurer of the United States) who is dead or no longer in the service of the United States, the bond required to be furnished by the owner of said check to an officer or agent in the service of the United States, prior to the issuance of a duplicate check, should be forwarded to the Division of Disbursement, Treasury Department, which will refer it to the General Accounting Office for examination and the statement of an account in favor of the owner of said check, as provided in section 3647 of the Revised Statutes of 1873, as amended (31 U.S.C. 119), and section 307 of the act approved June 10, 1921 (42 Stat. 25; 31 U.S.C. 47). Payment will then be made by a check issued pursuant to such statement of account.

§ 204.5 *Receipt or recovery of original check.* If the original check is re-

ceived or recovered after stoppage of payment has been requested, but before a duplicate check has been received, the Treasurer of the United States, or the Federal Reserve Bank through which payable, or other drawee, shall be immediately advised that the stoppage request may be disregarded. This notice should be signed by the owner of the check who requested the stoppage and should be mailed by the owner or drawer in time to reach the Treasurer or the Federal Reserve Bank through which payable, or other drawee, before the check is presented for payment.

If the original check is received or recovered after a duplicate has been received, the duplicate must not be cashed, but must be immediately forwarded to Division of Disbursement, Treasury Department, Washington 25, D. C., for cancellation.

If the original check is received or recovered after the duplicate has been cashed, the original must not be cashed, but must be immediately forwarded to Division of Disbursement, Treasury Department, Washington 25, D. C., for cancellation.

§ 204.6 *Amendment of regulations.* The Secretary of the Treasury may withdraw or amend at any time or from time to time any or all of the foregoing rules and regulations.

§ 204.7 *Previous regulations superseded.* This part supersedes Treasury Department Circular No. 327, dated October 27, 1939, and all previous regulations governing the issuance of duplicate checks.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 44-6278; Filed, May 2, 1944;
12:34 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Foreign Economic Administration

Subchapter B—Export Control

[Amdt. 168]

PART 802—GENERAL LICENSE

EXPORTS TO U. S. GOVERNMENT

Section 802.8 *Exports to the United States Government* is hereby amended to read as follows:

§ 802.8 *General license "GUS".* A general license designated "GUS" is hereby granted authorizing exportations as follows:

1. *To members of the United States Armed Services:* Commodities in quantities sufficient solely for the personal use of the consignees and their immediate families; articles for personal use may include household effects, food, beverages, and daily necessities.

2. *To representatives of the United States:* (a) Exportations for the personal use of the consignee, and/or his immediate family and/or employees; articles for personal use may include household effects, food, beverages, and daily necessities.

(b) Exportation of equipment and supplies for the office use of the representative or for use by the representative or his employees in the performance of their official duties. Under this general license the following classes of commodities are included: Stationery supplies, typewriters, adding machines, office furniture, and other comparable office equipment; cleaning supplies, mechanical and electrical supplies and other building maintenance supplies; uniforms, motor cars and trucks, and automobile parts; flags, foodstuffs, books, professional and scientific instruments apparatus and supplies; medicinals, medical supplies and vaccines; photographic equipment, including unexposed film, plates, and paper.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 238, 77th Cong.; E.O. 9361; 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: May 1, 1944.

S. H. LEBENSBERGER,
Director,
- Requirements and Supply Branch,
Bureau of Supplies.

[F. R. Doc. 44-6233; Filed, May 3, 1944;
9:50 a. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 323; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-524]

JOSE MARIA SALINAS

Jose Maria Salinas of Laredo, Texas, in May 1943, without authorization from the War Production Board began construction at 1020 Santa Rita Street, Laredo, Texas, consisting of remodeling a residence at an estimated cost of construction of more than \$7,000, which amount exceeded the limit of \$200 permitted by Conservation Order L-41 and was in violation of that order. Jose Maria Salinas was aware of War Production Board restrictions on construction, and doing this construction without authorization constituted a wilful violation of Conservation Order L-41.

These violations of Conservation Order L-41 have diverted critical materials to uses not authorized by the War Production Board, and have hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.524 *Suspension Order No. S-524.* (a) Neither Jose Maria Salinas, his successors or assigns, nor any other person, shall do any construction on the premises at 1020 Santa Rita Street, Laredo, Texas, including putting up or altering the structure, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Jose Maria Salinas, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on May 2, 1944.

Issued this 25th day of April 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-6282; Filed, May 2, 1944;
4:19 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-527]

BLOOMFIELD MANUFACTURING COMPANY

The Bloomfield Manufacturing Company, of 3333 South Wells Street, Chicago, Illinois, is a corporation engaged in the production of various war materials and metal kitchen equipment. The Company violated War Production Board orders and regulations as follows: Although instructed to operate as a PRP unit in the second quarter of 1943, the company did not do so, but extended customers' ratings to acquire critical material in violation of Priorities Regulation 11A. In May 1943, the company violated Priorities Regulation 3 in that it extended an AA-1 preference rating on 13 various purchase orders, although no such preference rating had been extended to or assigned to it, and for one such purchase order on a prospective War Department contract the company extended the rating so as to obtain critical materials to complete 624 potato cutting machines and 624 butter cutting machines above the number for which it did receive a contract. On June 3, 1943, the company extended an AA-1 preference rating for the hotplating of 3,500 basting spoons despite the fact that it had no order for these basting spoons nor had such preference rating been assigned to it, in violation of Priorities Regulation 3. During the first six months of 1943, the company placed orders by telephone, stating that an AA-1 preference rating should be accorded to them and that written confirmation would follow, but the company sent no subsequent written confirmation either as to the orders or in certification of the preference ratings used, in violation of Priorities Regulation 3. Between April 12, and May 12, 1943, the company used iron and steel to make 30 potato cutting machines to fill an order which was not a preferred order, in violation of Supplementary Limitation Order L-30-d. Between January 1, and June 15, 1943, the company processed 23,750 basting spoons in violation of Supplementary Limitation Order L-30-d. The company also failed to maintain adequate production and inventory records, in violation of Priorities Regulation No. 1.

These actions constituted wilful violations of Priorities Regulation Numbers 1, 3, and 11A, and Supplementary Limi-

tation Order L-30-d. They have diverted scarce materials to uses not authorized by the War Production Board and have hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.527 *Suspension Order No. S-527.* (a) The Bloomfield Manufacturing Company, Chicago, Illinois, its successors and assigns, shall not cut, shape, form, put in process, process or manufacture any metal as set forth in the lists attached to Priorities Regulation No. 13, to make any metal kitchen equipment in any of the shapes or forms as defined in any order of the L-30 series, as amended from time to time, except as hereafter specifically authorized in writing by the War Production Board.

(b) No person shall deliver any metal as set forth in the lists attached to Priorities Regulation No. 13 to the Bloomfield Manufacturing Company, Chicago, Illinois, its successors or assigns, if such person knows or has reason to know that such metal is to be used by the Bloomfield Manufacturing Company in violation of paragraph (a) of this order.

(c) Nothing contained in this order shall be deemed to relieve the Bloomfield Manufacturing Company, its successors and assigns, from any restriction, prohibition or provision of any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on May 2, 1944, and shall expire on July 31, 1944.

Issued this 25th day of April 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-6283; Filed, May 2, 1944;
4:19 p. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[PR 3, Direction 5, as Amended May 3, 1944]

RATINGS FOR LISTED CHEMICALS AND OTHER MATERIALS

The following direction is issued pursuant to Priorities Regulation 3:

(a) *Purpose.* Owing to the fact that the supply of certain materials is controlled by peculiar factors including their interchangeability and their use both as production materials and for MRO (maintenance, repair and operating supplies), it is necessary to provide special rules for the use of ratings in getting these materials. The purpose of this Direction is to prohibit the use of AA-1 and AA-2 blanket MRO ratings for the materials on the attached list, and to substitute in the place of these ratings, the use of production materials ratings. Where no production materials ratings are available, this direction assigns ratings which may be used in place of AA-1 and AA-2 blanket MRO ratings.

(b) *Restriction on use of certain blanket MRO ratings.* Blanket MRO ratings of AA-1 and AA-2 may not be used to get any of the materials on the attached list for any purpose. An exception to this prohibition, however, is a rating assigned under F-98-b

when the rating is applied with the allotment symbol, MRO-P-3, and a rating assigned under P-68 where the rating is applied with the allotment symbol S-8. "Blanket MRO ratings" are defined in paragraph (e) (2) of Priorities Regulation No. 3.

(c) *What ratings may be used instead.* You may use any of the following ratings which may be applicable to your situation for the materials listed in this direction:

(1) *Production materials ratings.* If you have a rating for production materials to be physically incorporated in your product, you may use that rating to get the materials on the attached list as MRO. You may not use the MRO symbol in this case, but your allotment number and symbol, if any, assigned to your production schedule should be used. "Production materials" are defined in paragraph (b) (2) of Priorities Regulation No. 11B and Interpretation No. 1 of that regulation issued June 10, 1943, and also paragraph (b) (1) of CMP Regulation No. 3. For the purpose of this Direction, any rating assigned under Orders P-65 and P-135 are production materials ratings. The amount of these materials which are bought as MRO with any production materials rating must be deducted from your MRO quota under CMP Regulation No. 5, or any other regulation or order which places limits on your purchase of MRO.

(2) *Blanket MRO rating of AA-1 lowered to AA-2X.* If you have a blanket MRO rating of AA-1, you may use an AA-2X rating to get the materials listed in this direction for MRO. If a purchase order bearing a blanket MRO rating of AA-1 is served upon a seller for a product which does not appear on the attached list but which contains any materials listed under "Chemicals" on the attached list, the seller may not extend that AA-1 rating to get the necessary production materials (appearing on the attached list) to make that product. The seller may use a rating of AA-2X instead to get the necessary production materials.

(3) *Blanket MRO rating of AA-2 lowered to AA-3.* If you have a blanket MRO rating of AA-2, you may use an AA-3 rating to get the materials listed in this direction for MRO. If a purchase order bearing a blanket MRO rating of AA-2 is served upon a seller for a product which does not appear on the attached list but which contains any materials listed under "Chemicals" on the attached list, the seller may not extend that AA-2 rating to get the necessary production materials (appearing on the attached list) to make that product. The seller may use a rating of AA-3 instead to get the necessary production materials.

(4) *Ratings for construction projects.* If you have a rating for materials to be physically incorporated in a construction project, you may use that rating to get materials on the attached list for MRO for use in that construction project.

(5) *Specific ratings.* You may use any rating assigned by a preference rating certificate which specifically names the kinds and quantities of material rated to get the materials on the attached list.

(d) *Persons engaged in several activities.* If a person is engaged in several business activities to which different ratings are assigned and it is impracticable to apportion his needs for any material on the attached list between those activities, he must use the rating assigned to the activity in which he is principally engaged. For example, if a person has 75 per cent of his production devoted to filling orders bearing AA-1 production materials ratings, and 25 per cent of his production devoted to filling orders bearing other production materials ratings and it is impracticable to apportion his MRO needs between these, he may use his AA-1 production materials rating to procure items on the attached list to satisfy his entire MRO

needs. Also if a person produces only one product but has more than one production rating for the materials going into that product, he must use the rating applicable to the greater portion of his production.

(e) *Applications for special assistance.* Any person who needs any material listed in this direction either as production material or for MRO, and is unable to get it with the rating which he has, may apply on Form WPB-541 (formerly PD-1A) to the nearest local office of the War Production Board for a higher rating.

Issued this 3d day of May 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST OF CHEMICALS AND OTHER MATERIALS

1. Coated fabric.
2. Paints, varnishes and lacquers.
3. Printing inks.
4. Chemicals:
 - Acetonyl acetone.
 - Acetylene dichloride.
 - Acetylene tetrachloride.
 - Acids:
 - Boric.
 - Butyric (all).
 - Chlorosulfonic.
 - Hydrochloric.
 - Hydrofluoric.
 - Hydrofluosilicic.
 - Lactic.
 - Monochloroacetic.
 - Muriatic.
 - Phosphoric.
 - Propionic.
 - Sulfamic.
 - Tartaric.
 - Trichloroacetic.
 - Alpha proteins.
 - Aluminum acetate.
 - Aluminum ammonium sulfate.
 - Aluminum chloride (not anhydrous).
 - Aluminum formate.
 - Aluminum hydroxide (light).
 - Aluminum nitrate.
 - Aluminum potassium sulfate.
 - Aluminum sulfate.
 - Ammonium aluminum sulfate.
 - Ammonium bicarbonate.
 - Ammonium bifluoride.
 - Ammonium fluoride.
 - Ammonium molybdate.
 - Ammonium persulfate.
 - Ammonium phosphates.
 - Ammonium silicofluoride.
 - Ammonium thiocyanate.
 - Amyl alcohols (all).
 - Amyl esters (all).
 - Antimony chloride.
 - Antimony trichloride.
 - Arsenic disulfide.
 - Barium carbonate.
 - Barium chloride.
 - Barium peroxide.
 - Barium silicofluoride.
 - Benzoyl peroxide.
 - Bordeaux mixture.
 - Butyl aldehydes (all).
 - Butyric acids (all).
 - Calcium acetate.
 - Calcium arsenate.
 - Calcium arsenite.
 - Calcium carbonate, precipitated.
 - Calcium chloride.
 - Calcium cyanide.
 - Calcium peroxide.
 - Calcium phosphates.
 - Camphor, synthetic.
 - Carbon bisulfide.
 - Caustic potash.
 - Caustic soda.
 - Cerium salts.
 - Chloral hydrate.
 - Chloramine B & T.
 - Chlorinated paraffin.
 - Chloroform.
 - Copper acetoarsenite.

4. Chemicals—Continued.
 - Coumarin.
 - Cumarone—indone resins.
 - Degreasing compounds.
 - Detergents and wetting agents, synthetic organic.
 - Dichloramine B & T.
 - Dichlorethyl formal.
 - Ethers (all).
 - Ester gum.
 - Ethyl chloride.
 - Ethyl silicate.
 - Ferric nitrate.
 - Ferric sulfate.
 - Ferrous chloride.
 - Gelatin.
 - Hexachlorbenzene.
 - Hexachlorethane.
 - Hydrogen cyanide.
 - Hydrogen peroxide.
 - Hydrogen sulfide.
 - Hydroquinone.
 - Isobutyl-undecylenamide.
 - Isopropyl butyrate.
 - Isopropyl propionate.
 - Ketones (except methyl ethyl and methyl isobutyl ketone).
 - Lanthanum oxide.
 - Lead acetate.
 - Lead arsenate.
 - Lead dioxide.
 - Lead nitrate.
 - Lead peroxide.
 - Lead silicate.
 - Lead thiocyanate (silfocyanide).
 - Lime and limestone.
 - Lime sulfur.
 - Limed resin.
 - Magnesium carbonate.
 - Magnesium chloride.
 - Magnesium hydroxide.
 - Magnesium oxide.
 - Magnesium peroxide.
 - Magnesium silicofluoride.
 - Magnesium sulfate.
 - Manganese acetate.
 - Manganese chloride.
 - Manganese precipitated dioxide.
 - Manganese sulfate.
 - Mercuric chloride.
 - Mercuric cyanide.
 - Mercuric ethyl chloride.
 - Mercuric nitrate.
 - Mercuric oxide.
 - Mercuric sulfate.
 - Mercuric sulfide.
 - Mercurous chloride.
 - Mercurous chloride acetate.
 - Metallic driers.
 - Metallic naphthenates.
 - Metallic stearates (except alkali stearates).
 - Methyl bromide.
 - Methyl cellulose.
 - Methyl chloride.
 - Methylene chloride.
 - Nicotine sulfate.
 - Nitrocellulose.
 - Organic intermediates for the following:
 - Rubber.
 - Explosives.
 - Dyes.
 - Medicinal chemicals.
 - Photographic chemicals.
 - Plastics and synthetic resins.
 - Refining.
 - Oil additives.
 - Paris green.
 - Phosphorus oxychloride.
 - Phosphorus pentasulfide.
 - Pigments, colors and extenders.
 - Pine oil.
 - Pine tar.
 - Pine tar oil.
 - Potassium:
 - Acetate.
 - Aluminum sulfate.
 - Antimonate.
 - Carbonate.
 - Ferricyanide.
 - Ferrocyanide.

4. Chemicals—Continued.
 - Potassium—Continued.
 - Hydroxide.
 - Pernanganate.
 - Persulfate.
 - Thiocyanate.
 - Rare earth salts.
 - Red Squill.
 - Resins, natural.
 - Resin, gum.
 - Resin, wood.
 - Scandium salts.
 - Seed disinfectants.
 - Shellac (bleached only)
 - Silica gel.
 - Silver cyanide.
 - Silver nitrate.
 - Silver oxide.
 - Soda, modified.
 - Soda ash.
 - Sodium:
 - Acetate.
 - Acid pyrophosphate.
 - Aluminate.
 - Aluminum sulfate.
 - Antimonate.
 - Arsenate.
 - Arsenite.
 - Bicarbonate.
 - Bifluoride.
 - Bisulfate.
 - Bisulfite.
 - Ferricyanide.
 - Ferrocyanide.
 - Fluoride.
 - Fluosilicate.
 - Hydrosulfite.
 - Orthosilicate.
 - Pentachlorophenolate.
 - Perborate.
 - Peroxide.
 - Sesquicarbonate (trona).
 - Sesquisulfate.
 - Silicate.
 - Silicofluoride.
 - Stannate.
 - Thiocyanate.
 - Soldering compounds.
 - Soluble dried blood.
 - Soya bean adhesives.
 - Stannic chloride (tin tetrachloride).
 - Stannic oxide.
 - Stannic sulfate.
 - Stannous chloride.
 - Starch adhesives.
 - Sulfur chloride.
 - Superphosphate, regular and concentrated.
 - Terpene resins.
 - Titanium tetrachloride.
 - Thallium sulfate.
 - Thorium salts.
 - Triethanolamine.
 - Turpentine, gum.
 - Turpentine, wood.
 - Urea peroxide.
 - Vanillin.
 - Waxes, vegetable:
 - Bees.
 - Carnauba.
 - Candelilla.
 - Ouricury.
 - Wetting agents, synthetic organic.
 - Yttrium salts.
 - Zeolites.
 - Zinc acetate.
 - Zinc ammonium chloride.
 - Zinc chloride.
 - Zinc Cyanide.
 - Zinc hydrosulfite.
 - Zinc peroxide.
 - Zinc resinsates.
 - Zinc phosphide.
 - Zinc sulfate.
 - Zirconium salts.

Chapter XI—Office of Price Administration

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348,¹ Amdt. 46]

LOGS AND BOLTS*

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 348 is amended in the following respects:

1. Section 2 (b) is amended by the addition of a new sentence at the end of the paragraph:

Sales of logs produced in the United States west of the 100th meridian, except those covered by RMPR 161, however, are exempt from this and any other price regulation, except where specific tables are set forth in Appendix F.

2. Article II is amended by the deletion from Appendix F of all tables 1 through 4.

3. Table 5 of Appendix F is amended to read as follows:

(a) The section entitled "Area" is amended to read as follows:

"Area: Montana—Missoula, Flathead, Lincoln, Lake Sanders, Ravalli, Mineral, Granite, and Powell Counties."

(b) In the listing of species add "Western White Pine—(*Pinus monticola*)" immediately after "Engelmann Spruce (*Picea Engelmannii*)."

(c) The paragraph on grading rules and maximum prices shall read as follows:

Grading Rules—All merchantable Pine logs must measure at least 8" inside the bark at the small end and must be at least 12' long. All such logs must have a net scale of at least 33½ of their gross contents but in no case shall a log be accepted with less than 30 board feet log scale. All merchantable logs of species other than those mentioned above must measure at least 10" inside the bark and be at least 12' long. All such logs must have a net scale of at least 50 percent of their gross contents but in no case shall a log be accepted with less than 50 board feet net log scale. All logs must be cut 4" over length to allow for trim. No charge can be made for the trim allowance.

Maximum Prices:	Per M' log scale
Western White Pine.....	\$20.50
Ponderosa Pine.....	16.00
Engelmann Spruce.....	15.00
Other Species.....	14.50

These prices shall prevail f. o. b. cars at rail siding of common carrier railroad, f. o. b. barge or raft at towable waters, or delivered to the mill by truck.

This amendment shall become effective May 8, 1944.

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 16115, 16198, 16204, 16297; 9 F.R. 220, 392, 343, 402, 450, 538, 574, 682, 792, 1817, 1571, 1572, 1717, 2088, 2135, 2561, 2859.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of May 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-6276; Filed, May 2, 1944;
12:07 p. m.]

PART 1340—FUEL

[MPR 88,¹ Amdt. 8]

FUEL OIL, GASOLINE AND LIQUEFIED PETROLEUM GAS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 88 is amended in the following respects:

1. Section 1.2 (b) is amended to read as follows:

(b) This regulation applies in the 48 states of the United States, District of Columbia and the territories and possessions of the United States except in the Panama Canal Zone and except in the Territory of Alaska.

2. Section 1.7 is amended to read as follows:

SEC. 1.7 *Transfers of business or stock in trade.* This section covers cases where the business effects or stock in trade of any seller or any person are sold, leased or otherwise transferred after February 11, 1942 and the transferee carries on the business or contracts to deal in the same commodity in an establishment separated from any other establishment previously owned or operated by the transferee. In such cases the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place. His obligation to keep records and make reports shall be the same as those of the transferor. The transferor shall either preserve and make available or turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation and those of the General Maximum Price Regulation where the latter were applicable.

3. Section 2.51 is revoked and the reference thereto in the index is deleted.

4. In Article III, special section 1, the words "or Table II" are added after the words "Table I" wherever such words appear in this section.

5. In Article III, special section 2, the words "or Table II" are added after the words "Table I" wherever such words appear in this section.

6. Section 4.51 is revoked and the reference thereto in the index is deleted.

¹ 8 F.R. 3718.

7. Section 6.5 (b) is amended to read as follows:

(b) *In the Territory of Puerto Rico; at all selling levels.* In the Territory of Puerto Rico on deliveries to all purchasers other than the U. S. Government, its agencies or instrumentalities, when purchased for their exclusive use, the sum of 3 cents per gallon may be added to a maximum price determined under Article V for deliveries of gasoline.

This amendment shall become effective May 8, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of May 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-6277; Filed, May 2, 1944;
12:07 p. m.]

PART 1340—FUEL

[MPR 120, Amdt. 96]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 120 is amended in the following respects:

1. In § 1340.214 (b), subparagraph (5) is amended to read as follows:

(5) The prices established by subparagraphs (3) and (4) insofar as the latter relates to maximum prices for truck shipments or by orders in effect and issued after January 30, 1943, and prior to December 1, 1943, may be increased by no more than 15 cents per net ton.

This amendment shall become effective as of April 24, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of May 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-6276; Filed, May 2, 1944;
12:06 p. m.]

PART 1340—FUEL

[MPR 510,¹ Amdt. 2]

LUBRICATING OILS, GREASES, AND CERTAIN OTHER PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment,

¹ 9 F.R. 1723.

issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 11 is amended to read as follows:

SEC. 11. Motor and stock oils—(a) *Last sale prior to October 15, 1941 method* Where no applicable specific price is set forth for stock oils in bulk lots in section 10 or for motor oils in section 11 (b) the maximum price for each seller at a given shipping or delivery point for motor or stock oils shall not exceed the net price charged at that point by him on the last sale of the same product to a purchaser of the same class, within sixty days prior to October 15 1941. Where the product is sold on a delivered basis at a given point the maximum price shall be the net price charged on the last sale of the same product to a purchaser of the same class made on a delivered basis at that point in the period specified. Where the product is sold at a given point on an f. o. b. shipping point basis, the maximum price shall be the price charged on the last f. o. b. shipping point sale at that point of the same product to a purchaser of the same class in the period specified. The term "sale" as hereinabove employed shall include (1) sales and contracts of sale made during the period specified, and (2) deliveries made during the period specified under a contract made prior thereto, if the prices chargeable under such contract were adjustable to reflect market conditions during the said period.

(b) *Specific maximum prices for certain motor oils.* Maximum prices for P. G. C. O. A. permit oils when sold by a refiner thereof f. o. b. refinery, Freedom, Pennsylvania, with the exception of a refiner's premium priced product, shall be as follows:

SAE Number:	Cents
10.....	32
20.....	31½
30.....	30¾
40.....	30½
50.....	30
60.....	29¾
70.....	29

To wholesalers, in full drums, drums extra, ex taxes.

In quart containers at above prices plus customary differential charged by seller for quart container prices over drum prices.

This amendment shall become effective May 8, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of May 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-6274; Filed, May 2, 1944; 12:06 p. m.]

*Copies may be obtained from the Office of Price Administration.

No. 89—3

PART 1377—WOODEN CONTAINERS

[MPR 524; Amdt. 1]

USED TIGHT COOPERAGE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Sections 4 to 13, inclusive, are redesignated sections 5 to 14, inclusive, and a new section 4 is added to read as follows:

SEC. 4. Items not specifically priced. Any person desiring to sell on the domestic market any item covered but not specifically priced by the regulation and for which he cannot determine a price under the regulation, shall make application to the Lumber Branch, Office of Price Administration, Washington, D. C., for a price. The application must contain a complete description of the item to be priced, the applicant's March 1942 selling price of the item if he sold such item at that time, his requested selling price and his method of arriving at this price. The requested selling price may be used pending approval of a price by this Office, subject, however, to adjustment to the price finally approved. Prices not disapproved within 20 days from the receipt of application are approved until specifically revoked.

This amendment shall become effective May 8, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of May 1944.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 44-6273; Filed, May 2, 1944; 12:06 p. m.]

PART 1420—BREWERY, DISTILLERY AND WINERY PRODUCTS

[MPR 445² Incl. Amdts. 1-15]

DISTILLED SPIRITS AND WINES

This compilation of Maximum Price Regulation 445 includes Amendment 15, effective May 8, 1944. The text added or amended by Amendment 15 is underscored, with the exception of the tables in section 7.3 (c), the revoked portions and redesignations, which are indicated by notes.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this regulation has been issued and filed with the Division of the Federal Register.*

¹9 F.R. 3351.

²8 F.R. 11161.

*Statements of considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

§ 1420.201 Distilled spirits and wines. Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation No. 445 (Distilled Spirits and Wines), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1420.201 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION NO. 445— DISTILLED SPIRITS AND WINE

ARTICLE I—MAXIMUM PRICES FOR SALES OF IMPORTED DISTILLED SPIRITS AND IMPORTED WINES BY IMPORTERS

Sec.

- 1.1 Purposes of Article I.
- 1.2 General rules for figuring importers' maximum prices.
- 1.3 Meaning of "net cost" used in figuring importers' maximum prices under sections 1.4, 1.5 and 1.6.
- 1.4 Importers' initial maximum prices for items sold or offered for sale during March 1942.
- 1.5 Importers' initial maximum prices for items sold or offered for sale between April 1, 1942 and April 30, 1943 but not sold or offered for sale during March 1942.
- 1.6 Changes in maximum prices for items to which sections 1.4 or 1.5 apply.
- 1.7 Special pricing methods for items not sold or offered for sale during March 1942 and which cannot be priced under section 1.5, and for certain other commodities.
- 1.8 Application for authority to establish maximum prices.
- 1.9 Notice of maximum prices to consumers.
- 1.10 Other provisions of this regulation applicable to sales of imported distilled spirits or wine by an importer.
- 1.11 Dates on which this article shall apply.

ARTICLE II—MAXIMUM PRICES FOR SALES OF CERTAIN BULK DOMESTIC DISTILLED SPIRITS BY ANY PERSON, FOR SALES OF CERTAIN RELATED COMMODITIES IN BULK BY ANY PERSON, AND FOR SALES OF BULK IMPORTED DISTILLED SPIRITS OR WINE BY PERSONS OTHER THAN THE IMPORTER THEREOF

- 2.1 Purposes of Article II.
- 2.2 General rules for figuring maximum prices under this article.
- 2.3 Maximum prices for bulk domestic whiskey and for bulk domestic brandy.
- 2.4 Maximum prices for bulk domestic grape spirits and bulk domestic spirits-fruit, neutral brandy, high proof and high wines made from any fruits or berries except grapes.
- 2.4a Maximum prices for bulk domestic neutral spirits produced from any material and bulk domestic high wines manufactured from cane or grain.
- 2.4b Maximum prices for bulk imported distilled spirits and bulk imported wines by persons other than the importer.
- 2.5 Maximum prices for denatured rum.
- 2.5a Provision relating to certain distributions of bulk domestic distilled spirits.
- 2.6 Other provisions of this regulation applicable to sales for which maximum prices are established under this article.
- 2.7 Dates on which this article shall apply.

ARTICLE III—MAXIMUM PRICES FOR SALES OF PACKAGED DOMESTIC DISTILLED SPIRITS BY PROCESSORS

Sec.

- 3.1 Purposes of Article III.
 - 3.2 Processors' maximum prices.
 - 3.3 General rules.
 - 3.4 Inability to fix maximum prices.
 - 3.5 Applicable taxes.
 - 3.6 Other provisions of this regulation applicable to sales for which maximum prices are established under this article.
 - 3.7 Dates on which this article shall apply.
- Appendices: Pricing procedures and price schedules.

ARTICLE IV—MAXIMUM PRICES FOR SALES OF CERTAIN BULK DOMESTIC WINE AND RELATED PRODUCTS, BY ANY PERSON, AND FOR SALES OF CERTAIN PACKAGED DOMESTIC WINE BY PROCESSORS

- 4.1 Purposes of Article IV.
- 4.2 General rules for figuring maximum prices under this article.
- 4.3 Processors' maximum prices for California grape wine in bulk.
- 4.4 Wholesalers', packers', and retailers' maximum prices for California grape wine in bulk.
- 4.5 Processors' maximum prices for packaged California grape wine.
- 4.6 Pricing provisions and instructions applicable to particular California grape wines and to certain related products.
- 4.7 Conversion of a maximum price for a change of container size.
- 4.8 Types and kinds of California grape wine for which a special maximum price may be authorized pursuant to section 4.9.
- 4.9 Application for authority to establish maximum prices.
- 4.10 Notice of maximum prices to consumers.
- 4.11 Other provisions of this regulation applicable to sales for which maximum prices are established under this article.
- 4.12 Dates on which this article shall apply.

ARTICLE V—MAXIMUM PRICES FOR SALES OF PACKAGED DISTILLED SPIRITS AND PACKAGED WINE BY WHOLESALERS, RETAILERS, MONOPOLY STATES AND PRIMARY DISTRIBUTING AGENTS

- 5.1 Purposes of Article V.
- 5.2 General rules for figuring maximum prices.
- 5.3 Determination of "net cost" used in figuring maximum prices for wholesalers, retailers and monopoly states.
- 5.4 Maximum prices for wholesalers.
- 5.5 Maximum prices for retailers.
- 5.6 Maximum prices for monopoly states.
- 5.7 Maximum prices for primary distributing agents.
- 5.8 Notice of maximum prices to consumers.
- 5.9 Other provisions of this regulation applicable to sales of distilled spirits or wine by a wholesaler, retailer, monopoly state or primary distributing agent.
- 5.10 Application for authority to establish maximum prices.
- 5.11 Dates on which this article shall apply.

ARTICLE VI—MAXIMUM PRICES FOR CERTAIN SERVICES RELATING TO THE PRODUCTION OF DOMESTIC DISTILLED SPIRITS AND WINE

- 6.1 Purposes of Article VI.
- 6.2 General rules for figuring maximum prices under this article.
- 6.3 Maximum prices for specified services.
- 6.4 Other provisions of this regulation applicable to transactions for which maximum prices are established by this article.
- 6.5 Dates on which this article shall apply.

ARTICLE VII—GENERAL PROVISIONS APPLICABLE TO PERSONS SUBJECT TO THIS REGULATION AND TO MAXIMUM PRICES ESTABLISHED

Sec.

- 7.1 Treatment of fractional parts of a cent in figuring maximum prices.
- 7.1a Changes in case sizes.
- 7.2 When a sales or gross receipts tax may be charged in addition to a maximum price.
- 7.2a Treatment of brokers' compensation.
- 7.3 When new taxes or increases in existing taxes may be added to a maximum price.
- 7.3a Distribution of packaged distilled spirits or wine.
- 7.4 Use of minimum resale prices under State Fair Trade Laws.
- 7.4a Maximum prices for sellers for whom no specific provision is made.
- 7.5 Adjustment of maximum prices for tax exempt sales to the United States or any agency thereof.
- 7.5a Deposit charges on containers.
- 7.6 Certain provisions of the General Maximum Price Regulation continued in effect.
- 7.6a Licensing.
- 7.7 Export sales.
- 7.7a Compliance with other laws or regulations.
- 7.8 Compliance with this regulation.
- 7.9 Current records required.
- 7.10 Petitions for amendment.
- 7.11 Adjustable pricing in certain instances.
- 7.12 Definitions.
- 7.13 Geographical applicability.

ARTICLE I—MAXIMUM PRICES FOR SALES OF IMPORTED DISTILLED SPIRITS AND IMPORTED WINES BY IMPORTERS

SECTION 1.1 *Purposes of Article I—(a) Generally.* Article I establishes maximum prices for sales of imported distilled spirits and wines by importers to any purchaser. Maximum prices for sales of bulk imported distilled spirits and bulk imported wines by persons other than the importer must be established under other applicable regulations of the Office of Price Administration or under Article II (when effective) of this regulation. Except for sales which are specifically exempted by Article V of this regulation, maximum prices for sales of packaged imported distilled spirits and packaged imported wines by persons other than the importer must be established under that article.

(b) *Prior regulations, orders and interpretations superseded.* Except as otherwise provided in this regulation, Article I supersedes all other maximum price regulations, orders and interpretations issued by the Office of Price Administration before August 14, 1943, with respect to sales of imported distilled spirits and wines by importers, in bulk or in packages, including the applicable provisions of the following:

- (1) The General Maximum Price Regulation;
- (2) Section 2.12 of Revised Supplementary Regulation No. 14;
- (3) Section 2.3 (b) of § 1499.26 of Revised Supplementary Regulation No. 1;

Provided, That such maximum price regulations, orders and interpretations shall remain in force with respect to a particular sale of imported distilled spirits or wine by an importer until provisions of this article become applicable thereto pursuant to section 1.11.

² 9 F.R. 1385.

SEC. 1.2 *General rules for figuring importers' maximum prices.* An importer must observe the following rules in establishing his maximum prices under this article:

(a) *Division of items.* He must separately price all items he has imported, in his stock at the close of his business on August 9, 1943, according to the group to which the item belongs as follows:

(1) Items which he sold or offered for sale during March 1942. He must figure his initial maximum prices for such items under section 1.4. His maximum prices for the item are to be refigured under section 1.6 if certain elements of his cost change thereafter.

(2) Items which he sold or offered for sale between April 1, 1942 and April 30, 1943, but which he did not sell or offer for sale during March 1942. He must figure his initial maximum prices for such items under section 1.5. His maximum prices for the item are to be refigured under section 1.6 if certain elements of his cost change thereafter.

(3) Items for which special pricing methods are provided in section 1.7. He must figure his maximum prices for any such item under that section, irrespective of the dates on which he previously sold or offered the item for sale. Maximum prices for such items may not be refigured under section 1.6.

(4) Items for which maximum prices are not provided by sections 1.4, 1.5, or 1.7. He must apply to the Office of Price Administration, Washington, D. C., in accordance with section 1.8, for authority to establish maximum prices for such items. Maximum prices thus established may not be refigured under section 1.6.

(b) *Figuring maximum prices for each item separately.* Each item of imported distilled spirits or wine to be sold or offered for sale by an importer after August 29, 1943, must have a separate maximum price. An "item" is a particular brand name, container size and formula of imported distilled spirits or wine. One item must not be considered the same as another if there is any difference in

[Paragraph (b) as amended by Am. 1, 8 F.R. 11851, effective 8-25-43]

- (1) Their brand names, or
- (2) Their countries of origin, or
- (3) The names of their processors, or
- (4) Their container sizes (bulk as compared with bottles, quarts as compared with fifths, etc.), or
- (5) Their formulae (as defined in section 7.12), or

(6) Material information contained on their labels in accordance with the United States Labeling Laws or regulations applicable to each. Age, proof, alcohol content, type designation, vintage and ingredients, as stated on the labels, shall be deemed material information.

[Subparagraph (6) as amended by Am. 10, 8 F.R. 16928, effective 12-16-43]

(c) *Customer classifications.* (1) A separate maximum price must be established for an importer's sales of each item to each class of his customers in

accordance with the section under which the maximum price for the item is established.

(2) Where an importer establishes maximum prices under sections 1.4, 1.5, or 1.6, his customers for sales of the item are to be classified in accordance with his March 1942 customer classification. Where an importer establishes maximum prices under section 1.7, his customers for sales of the item are to be classified only as wholesalers, primary distributing agents, monopoly states, retailers and consumers. Where an importer establishes maximum prices after application to the Office of Price Administration under section 1.8, the maximum prices thus established shall apply only to his sales to the classes of customers stated in the application, or in the order or amendment issued pursuant thereto.

(d) *Discounts, allowances, price differentials and terms of sale.* (1) Customary discounts, allowances and other price differentials in effect during March 1942 in accordance with an importer's March 1942 customer classifications must be applied to his maximum prices established under sections 1.4, 1.5, 1.6 and 1.7: *Provided*, That discounts and allowances based solely on quantity purchases (in dollars or units) need not be maintained: *And, provided further*, That allowances and price differentials in accordance with an importer's March 1942 customer classifications need not be maintained with respect to sales of items for which maximum prices are established under section 1.7.

(2) If an importer makes his terms of sale to a customer more onerous than those in effect during March 1942 for his sales to a customer of the same class, he must make a compensating reduction in his maximum price established under this article.

(3) If an importer directly or indirectly requires a customer to make any payment in advance of delivery (whether to the importer or to another person), the importer must reduce his maximum price established under this article for that sale by an amount equal to interest at the rate of 5 percent per annum on the amount of the advance payment from the date the payment is made to the date on which the item is delivered or the payment is refunded to the customer.

(e) *Exchange rates.* The costs used by an importer in figuring his maximum prices must be actual costs which he pays. Amounts paid in foreign currency must be expressed in terms of United States dollars at the actual rate of exchange paid by the importer.

(f) *F. o. b. and delivered prices.* (1) Where an importer's highest price charged during March 1942 to a customer of a particular class (used under sections 1.4, 1.5, or 1.6 to determine his maximum price) is a delivered price or an f. o. b. particular freight base point price, the maximum price established under those sections shall correspondingly be a delivered price or an f. o. b. particular freight base point price, as the case may be.

(2) Maximum prices provided by section 1.7 for sales of bulk imported distilled spirits and wines are prices f. o. b. port of entry. Maximum prices provided by that section for sales of domestically

packaged imported distilled spirits and wines are prices f. o. b. domestic bottling plant unless otherwise expressly stated therein.

[Subparagraph (2) as amended by Am. 10, 8 F.R. 16928, effective 12-16-43]

(g) *Sales and offers to sell.* (1) Where the price for a sale or for an offer to sell during a particular period of time is to be used in determining a maximum price under this article, the price for a sale completed by delivery must be used if such sale was made during that time. An offering price may be used only if no such sale was made and if it was an offering price for supply or delivery during that time, and if the offer or an acceptance thereof is supported by written evidence.

(2) Where the price for a sale or for an offer to sell during a particular period of time is to be used by an importer in determining a maximum price under this article, the price so used must be the price for an item with respect to which he was the importer during that period.

[Paragraph (g) as amended by Am. 15, effective 5-8-44]

Sec. 1.3 *Meaning of "net cost" used in figuring importer's maximum prices under sections 1.4, 1.5, and 1.6.* The "net cost" to be used by an importer to figure his maximum prices under sections 1.4, 1.5, and 1.6 is the total of the following elements of cost actually paid by him with respect to a particular purchase of the item to be priced:

(a) *Purchase price.* The foreign vendors' selling price (less all discounts excepting any discount for prompt payment [cash discount]), not in excess of his maximum prices under applicable regulations or orders of the Office of Price Administration in instances where his selling price is subject thereto, nor in excess of his selling price in effect on April 30, 1943, in all other instances.

(1) Including charges for transporting the item to foreign port of embarkation (where shipment to the United States port of arrival is made by water), and

(2) Including foreign customs charges and export taxes at rates not in excess of those in effect on April 30, 1943.

NOTE: Where the item is one which has not been produced in the United States or a Territory or Possession thereof, the importer, in calculating his net cost will in all cases use the price which he paid the foreign vendor or the foreign vendor's selling price in effect on April 30, 1943, whichever of the two figures is the lower. Where the item is one which has been produced in a Territory or Possession of the United States, the importer in calculating his net cost will use the price which he paid the territorial supplier or the territorial supplier's established ceiling price for sale of the item to importers, whichever of the two figures is the lower. However, if in any instance, the sale to an importer of an item produced in a Territory or Possession of the United States is not subject to the provisions of an order or regulation of the Office of Price Administration, the importer will use the price which he paid the territorial supplier or the territorial supplier's ceiling price in effect on April 30, 1943, whichever of the two figures is the lower.

(b) *Insurance.* Insurance charges for the period during which the item is in transit to the importer's receiving point, including war risk insurance at rates not in excess of applicable rates published by the War Shipping Board.

(c) *Freight—(1) Items imported in packages or imported and sold in bulk.* Ocean freight from foreign port of embarkation to port of arrival in continental United States (where shipment to port of arrival is made by water) or land freight from foreign shipping point to point of arrival in continental United States (where shipment to point of arrival is made by land); inland freight from port or point of arrival to port of entry, and inland freight from port of entry to the importer's customary receiving point for the item, exclusive of charges for hauling, drayage or handling within the metropolitan area of such port or point. The importer shall include only the freight he paid, figured at the rate paid.

(2) *Items imported in bulk and sold in packages after domestic bottling.* Ocean freight for transporting the item in bulk from foreign port of embarkation to port of arrival in the continental United States (where shipment to port of arrival is made by water) or land freight for transporting the item in bulk from foreign shipping point to point of arrival in continental United States (where shipment to point of arrival is made by land); inland freight for transporting the item in bulk from port or point of arrival to port of entry nearest the plant where bottling or rectifying is done; inland freight for transporting the item in bulk from that port of entry to such plant, and inland freight for transporting the item in packages from that bottling plant to the importer's customary shipping point for the packaged item, exclusive of charges for hauling, drayage or handling within the metropolitan area of any such port or point. The importer shall include only the freight he paid, figured at the rate paid.

(d) *Taxes and United States customs duties.* United States excise taxes, United States customs duties, one cent for each strip stamp affixed to individual containers, and state or local excise taxes. All taxes and customs duties shall be figured at rates in effect on November 2, 1942 and shall be included only if imposed upon and applicable to the sale of the item for which a maximum price is being figured. License, income, franchise, receipts, gross receipts, sales, use or other similar federal, state or local taxes cannot be included in "net cost."

[Last sentence added by Am. 15, effective 5-8-44. Note deleted by Am. 15]
[Sec. 1.3 amended by Am. 10, 8 F.R. 16928, effective 12-16-43]

Sec. 1.4 *Importers' initial maximum prices for items sold or offered for sale during March 1942.*

NOTE: This section does not apply to any item for which special pricing methods are provided under section 1.7.

(a) *Method to be used.* An importer's initial maximum price for sale of an item which he sold or offered for sale during March 1942 shall be the total of the following:

(1) *Net cost.* His net cost (figured according to section 1.3) per unit of sale

(i) For his latest purchase of the item from his foreign supplier before May 1, 1943, or

(ii) If he made no purchase of the item between January 1, 1943 and April 30, 1943 but received from his foreign supplier a bona fide written or cable quotation offering the item for shipment between those dates, the net cost that would have been applicable to the same unit of sale if he made a purchase of the item on terms evidenced by the latest such quotation.

[Subparagraph (ii) as amended by Am. 10, 8 F.R. 16928, effective 12-16-43]

NOTE: If a quotation is used, net cost shall be figured according to section 1.3 on the assumption that shipment was made from the foreign supplier's customary shipping point on the date the quotation was received; that the shipment arrived April 30, 1943, and that port or point of arrival and port of entry were those used for the importer's latest actual purchase of the item.

(2) *Mark-up.* The difference between

(i) His net cost (figured according to section 1.3) for his last purchase of the item prior to March 31, 1942 from his foreign supplier out of which he made or offered to make sales during March 1942, and

(ii) The highest price he charged during March 1942 for the unit of sale, or at which he offered to sell that unit to a customer of the particular class, exclusive of any discount for prompt payment (cash discount).

NOTE: For sales of an item he imports, an importer who also sells at wholesale or retail must not use the percentage mark-ups provided in Article V. However, an importer who, prior to August 9, 1943 operated both import and wholesale divisions, and had an established practice of selling items to independent wholesalers and billing them to his own wholesale division at prices equal to those he charged independent wholesalers, may while he continues to observe those practices, consider his wholesale division as a separate entity and use the percentage mark-ups provided in Article V to determine maximum prices for sales by his wholesale division. Similarly, an importer who prior to August 9, 1943 operated both wholesale and retail divisions and had an established practice of selling items to independent retailers and billing them to his own retail division at prices equal to those he charged independent retailers, may while he continues to observe those practices, treat his retail division in like manner.

[Note as amended by Am. 2, 8 F.R. 13496, effective 10-7-43]

(b) *Sales to customers of a class not sold during March 1942.* If an importer sold or offered an item for sale during March 1942 but did not sell or offer to sell it to a customer of a particular class and wishes to make sales of the item to customers of that class, he shall apply to the Office of Price Administration in accordance with section 1.8 for authority to establish an initial maximum price for such sales.

SEC. 1.5 *Importers' initial maximum prices for items sold or offered for sale between April 1, 1942 and April 30, 1943 but not sold or offered for sale during March 1942:*

NOTE: This section does not apply to any item for which special pricing methods are provided under section 1.7.

(a) *Method to be used.* An importer's initial maximum price for sales of an item sold or offered for sale between April 1, 1942 and April 30, 1943, but which he did not sell or offer for sale during March 1942, shall be the total of the following:

(1) *Net cost.* His net cost (figured according to section 1.3) per unit of sale

(i) For his latest purchase of the item from his foreign supplier before May 1, 1943, or

(ii) If he made no purchases of the item between January 1, 1943 and April 30, 1943 but received from his foreign supplier a bona fide written or cable quotation offering the item for shipment between those dates, the net cost that would have been applicable to the same unit of sale if he had made a purchase of the item on terms evidenced by the latest such quotation.

[Subparagraph (ii) as amended by Am. 10, 8 F.R. 16928, effective 12-16-43]

NOTE: If a quotation is used, net cost shall be figured according to section 1.3 on the assumption that shipment was made from the foreign supplier's customary shipping point on the date the quotation was received; that the shipment arrived April 30, 1943, and that port or point of arrival and port of entry were those used for the importer's last actual purchase of the item.

(2) *Markup.* The difference between:

(i) His net cost (figured according to section 1.3) for the same unit of sale from his last purchase prior to March 31, 1942 of an item of the same type designation from a foreign supplier out of which he made or offered to make sales during March 1942, and

(ii) The highest price he charged during March 1942 for the unit of sale or at which he offered to sell that unit of the item of the same type designation to a customer of the particular class, exclusive of any discount for prompt payment (cash discount).

[Subparagraph (2) as amended by Am. 10, 8 F.R. 16928, effective 12-16-43]

NOTE: One item shall be considered of the same type designation as another only if both items are within the same classification and subclassification of identity under applicable United States labeling laws and regulations, and only if the following matters as stated on the label thereof are identical: Proof, age, vintage, alcohol content, country of origin and container size.

For sales of an item he imports, an importer who also sells at wholesale or retail must not use the percentage markups provided in Article V. However, an importer who prior to August 9, 1943 operated both import and wholesale divisions, and had an established practice of selling items to independent wholesalers and billing them to his own wholesale division at prices equal to those he charged independent wholesalers, may while he continues to observe these practices, consider his wholesale division as a separate entity and use the percentage markups provided in Article V to determine maximum prices for sales by his wholesale division. Similarly, an importer who prior to August 9, 1943 operated both wholesale and retail divisions and had an established practice of selling items to independent retailers and billing them to his own retail division at prices equal to those he charged independent retailers, may while he continues to observe these practices, treat his retail division in a like manner.

[Note amended by Am. 2, 8 F.R. 13496, effective 10-7-43, and Am. 10]

(b) *Items of a type not sold or offered for sale during March 1942 to customers of the particular class.* If an importer did not during March 1942 sell or offer to sell an item of the same type as the item being priced to a customer of the particular class, he shall apply to the Office of Price Administration in accordance with section 1.8 for authority to establish an initial maximum price for sales of the item to customers of that class.

(c) *Report and correction of maximum prices established under section 1.5.* On or before September 13, 1943, each importer shall file with the Office of Price Administration, Beverage Section, Washington, D. C., a report of all items for which his initial maximum prices are established under section 1.5. The Office of Price Administration may, by order, adjust any such prices which have been erroneously figured. The report shall be signed by the importer and shall contain:

[Paragraph (c) as amended by Am. 10, 8 F.R. 16928, effective 12-16-43]

(1) A description sufficient to identify each item for which maximum prices are so established;

(2) A list of his maximum prices therefor to each class of customers, and

(3) An explanation of how those maximum prices were figured, including a description sufficient to identify the item of the same type used to establish such maximum prices.

SEC. 1.6 *Changes in maximum prices for items to which sections 1.4 or 1.5 apply—(a) How long particular maximum prices for such items continue in effect.* An importer's initial maximum prices for items to which sections 1.4 or 1.5 apply, and his refigured maximum prices for such items shall apply to all his sales and offers to sell of the item so priced made prior to the date on which subsequently refigured maximum prices for sales thereof become applicable in accordance with paragraph (d) of this section.

(b) *When an importer must refigure his maximum prices for such items.* An importer who after August 13, 1943 receives from a foreign supplier a purchase of an item for which his initial maximum prices are established under sections 1.4 or 1.5 shall, before making any sales from that purchase, determine his net cost therefor according to section 1.3.

If such net cost per unit of sale differs from the net cost per unit of sale for the latest purchase used in establishing the importer's maximum prices then in effect for the item, the importer may, if the most recent purchase shows the greater total and he must, if the most recent purchase shows the lesser total, establish refigured maximum prices for the item: *Provided*, That if the item is packaged imported distilled spirits or wine and the difference is 25 cents per case or less, the importer shall not establish refigured maximum prices.

(c) *How an importer must refigure his maximum prices for such items.* An importer required or permitted by this section to establish refigured maximum prices for an item shall determine such

prices under sections 1.4 or 1.5 (according to the section he used to establish his initial maximum prices for the item), substituting however, the net cost (figured according to section 1.3) of his most recent purchase of the item for the net cost of his latest purchase thereof before May 1, 1943.

(d) *When refigured maximum prices become applicable.* His refigured maximum prices determined under this section shall apply to stock on hand (in bond or otherwise) and shall be the importer's maximum prices for sales of the item on and after, but not before, the 4th day (exclusive of Sundays and holidays) following receipt (in bond or otherwise) of the purchase to be used to establish such refigured maximum prices, until in turn superseded by other refigured maximum prices subsequently determined: *Provided*, That until, on and after the earliest effective date for prices posted or listed at the first opportunity after the 4th day (exclusive of Sundays and holidays) after receipt of such purchase, refigured maximum prices shall not apply to any sale which an importer is required by statute, ordinance, or regulation to make at a price posted or listed with a State or other public authority before receipt of such purchase.

Sec. 1.7 *Special pricing methods for items not sold or offered for sale during March 1942 and which cannot be priced under section 1.5, and for certain other commodities—(a) Sales of bulk or packaged imported distilled spirits or wine not sold or offered for sale during March 1942 and which cannot be priced under section 1.5.*

NOTE: Persons other than importers selling bulk imported distilled spirits or wine must establish their maximum prices under other applicable regulations of the Office of Price Administration or under Article II (when effective) of this regulation.

Except as otherwise provided in this section, an importer's maximum price for sales of any bulk or packaged imported distilled spirits or wine not sold or offered for sale during March 1942 and which cannot be priced under section 1.5, shall be a price established after application to the Office of Price Administration pursuant to section 1.8.

(b) *Importer's maximum prices for certain commodities imported in bulk.* An importer's maximum price for any commodity listed below, imported in bulk and sold either in bulk or in packages, shall be determined according to its base figure and type of sale indicated below, except that if the commodity he imports in bulk and bottles domestically is of the same type designation and is sold in the same container size at the same proof under the same brand name as an item which the importer imported in packages and sold or offered for sale during March 1942, his maximum price to a class of purchaser for the commodity imported in bulk and bottled domestically shall be the maximum price to the same class of purchaser which he could compute under section 1.4 for the item which he imported in packages and sold or offered for sale during March 1942.

(1) *Base figures for certain imported commodities.*

Commodity	Base figure
Cuban distilled gin (as defined in section 7.12)-----	\$1.75
Cuban rum (as defined in section 7.12)-----	2.75
Cuban whiskey bearing an age statement or accompanied by a certificate showing age of six months or less (as defined in section 7.12)-----	.83
Mexican distilled gin (as defined in section 7.12)-----	1.80
Mexican tequila (as defined in section 7.12)-----	2.10
Mexican whiskey bearing an age statement or accompanied by a certificate showing age of six months or less (as defined in section 7.12)-----	.83
Distilled spirits (produced in or imported from Cuba) made from cane products and flavored with aromatics-----	1.23
Distilled spirits (produced in or imported from Mexico) made from cane products and flavored with aromatics-----	1.38

¹ Or the importer's "direct cost", f. o. b. port of arrival, plus 15¢ per proof gallon, whichever figure is the lower. "Direct cost" means the price paid the foreign vendor, not in excess of the foreign vendor's selling price in effect on April 30, 1943 (less all discounts and allowances except the discount given for prompt payment) plus charges for cooerage, Cuban export tax, freight to port of arrival, loading, war risk insurance and marine insurance, wharfage, consular fees, customs broker fees, customs entry fees, and less of merchandise and customs duty due to leakage and evaporation in shipment to the United States.

(2) *When imported and sold in bulk by the importer.*

NOTE: Maximum prices for sales of any such commodity in bulk by persons other than the importer must be established under other applicable regulations of the Office of Price Administration or under Article II (when applicable) of this regulation.

An importer's maximum price for sales of any such commodity imported and sold by him in bulk shall be as follows:

(i) *Sales in bond.* Its base figure per original proof gallon f. o. b. port of entry, plus inland freight (if paid by the importer) to transport the particular quantity from port or point of arrival in continental United States to the bonded warehouse where it is at date of sale. "Original proof gallon" shall be determined according to first customs gauge in the United States. Freight shall be figured at the carload rate in effect at the date of shipment from port or point of arrival and shall not include hauling, drayage or handling in the metropolitan area of port or point of arrival or port of entry.

(ii) *Tax paid sales f. o. b. port of entry.* The maximum price provided under (i) above for a sale of the same quantity, in bond, plus United States customs duties and United States excise taxes paid thereon by the importer at rates in effect on November 2, 1942. The amount of excise taxes shall be determined on the number of proof gallons according to the regauge on which they are paid. The amount of customs duties shall be determined on original proof gallons according to the first customs gauge in the United States: *Provided*, That where the commodity has been imported at less

than 100° proof, the amount of customs duties and excise taxes shall not be in excess of that which would have been applicable if the commodity had been imported at 100° proof.

(3) *When imported in bulk, bottled domestically and sold in packages.*

NOTE: Persons other than the importer, bottling such commodity domestically or having it bottled for their account must establish their maximum prices for the packaged item by using the method herein provided for determination of the importer's maximum prices.

An importer's maximum price per case for sales of any such commodity imported in bulk, bottled domestically and sold in packages shall be as follows:

(i) *Sales to wholesalers.* The total of the following amounts paid by or for the account of the importer and applicable to the quantity in the case:

(a) The commodity's base figure per proof gallon bottled.

(b) United States customs duties and United States excise taxes at rates in effect on November 2, 1942: *Provided*, That where the commodity has been imported at less than 100° proof, the amount of United States customs duties and excise taxes shall not be in excess of that which would have been applicable if the commodity had been imported at 100° proof.

(c) Inland freight from port or point of arrival in continental United States to port of entry nearest the plant where bottling or rectifying is done, and inland freight from port of entry to that plant at the carload rates in effect on the respective dates of shipment. Charges for hauling, drayage, or handling within the metropolitan area of such ports or point, or within the metropolitan area about such plant shall not be included.

(d) Two percent of the total of (a), (b), and (c) above.

(e) A charge for bottling and casing as follows:

\$1.50 per case of quarts or fifths.
2.10 per case of pints.
2.85 per case of half pints.

(f) Rectification tax, if any, at the rate paid: *Provided*, That rectification tax paid for re-processing, reconditioning or otherwise treating the imported commodity because of any defect or substandard quality of such imported commodity may not be added.

(g) \$1.70 per proof gallon bottled.

(h) State and local excise taxes and one cent for each strip stamp affixed to individual containers. All taxes shall be figured at rates in effect on November 2, 1942 and shall be included only if imposed upon and applicable to the sale of the item for which a maximum price is being figured. No amount shall be added for license, income, franchise, receipts, sales, use or other similar federal, state, or local taxes.

(ii) *Sales to monopoly states.* The maximum price per case provided in (i) above for sales of the particular container size to wholesalers, plus the amount paid by the importer to purchase and affix monopoly state seals or stamps to individual containers in the case being priced. If the seals or stamps are affixed

by the monopoly state, the amount added shall not exceed the highest amount charged for the corresponding seals or stamps and service during March 1942, and if the importer affixed the seals or stamps before delivery of the item, shall not exceed fifty cents per case.

(iii) *Sales to primary distributing agents.* The maximum price per case provided in (i) above for sales of the particular container size to wholesalers subject to any discount, allowance or price differential agreed upon by the particular importer and primary distributing agent.

(iv) *Sales to retailers.* The maximum price per case provided in (i) above for sales of the particular container size to wholesalers plus the percentage markup provided in Article V for sale of the same item by wholesalers to retailers.

Where the importer makes the sale to a retailer f. o. b. a customary shipping point other than the domestic bottling plant, he may add to his maximum price to wholesalers, before applying the markup, inland-freight he pays for direct shipment from such plant to the shipping point, exclusive of charges for local hauling, drayage, or handling within the metropolitan areas of such points.

(v) *Sales to consumers.* The maximum price per case provided in (i) above for sales of the particular container size to wholesalers plus the percentage markup provided in Article V for sales of the same item by retailers to consumers.

Where the importer makes the sale to a consumer f. o. b. a customary shipping point other than the domestic bottling plant, he may add to his maximum price to wholesalers, before applying the markup, inland freight he pays for direct shipment from such plant to the shipping point, exclusive of charges for local hauling, drayage, or handling within the metropolitan areas of such points.

(vi) *For individual container.* An importer's maximum price for individual containers of such item shall be his maximum price per case for the item to a customer of the same class divided by the number of containers customarily packed in the case.

[Paragraph (b) amended by Am. 2, 8 F.R. 13496, effective 10-7-43; Am. 4, 8 F.R. 13845, effective 10-13-43; Am. 5, 8 F.R. 14016, effective 10-19-43; Am. 8, 8 F.R. 16997, effective 12-20-43; Am. 10, 8 F.R. 16928, 9 F.R. 303, effective 12-16-43; and Am. 13, 9 F.R. 2747, effective 3-16-44]

SEC. 1.8 *Application for authority to establish maximum prices*—(a) *Who shall file.* An importer who seeks to sell an item for which maximum prices must be established under section 1.7 (a), or who is required by sections 1.4 or 1.5 to apply for authority to establish an initial maximum price for sales of an item to customers of a particular class, shall make application under this section.

(b) *Prohibition.* An importer required to make application for authority to establish a maximum price for an item shall not sell, offer to sell or deliver the item to any person (if the item is one for which maximum prices must be established under section 1.7 (a)) or to the particular class of customers (if a maximum price for sales of the item to

a particular class of customers is sought under section 1.4 or 1.5) until the application is filed and authority granted. However, where an importer is required to make application for authority to establish initial maximum prices under section 1.4 or 1.5 he may, if so permitted by applicable statutes, ordinances or regulations and after making the application, continue to sell, offer to sell or deliver the item to the class of customers for which an initial maximum price is sought for 30 days after the application is made, if the sale, offer to sell, or delivery is made under an agreement with the customer to adjust the price charged to an amount no higher than the maximum price later established under this section. With respect to a particular sale which the importer is required to make at a price posted or listed with a state or other Public Authority, the importer may continue so to sell, offer to sell or deliver the item until the effective date for prices thus posted or listed at the first opportunity after the 34th day (including Sundays and holidays) after the application is made.

(c) *Contents of application.* The application shall be in writing, signed by the importer or his authorized agent and sent to the Office of Price Administration, Beverage Section, Washington, D. C. by registered mail. It shall contain the following:

(1) The importer's name and address and the name and address of the person signing the application.

(2) A description of the item for which authority to establish a maximum price is sought, including (if the item is packaged imported distilled spirits or wine) copies of the approved front label and the back label (if any) of any one individual container size of the item. The description shall also supply the following information if not disclosed by such labels:

(i) The type of item (e. g. whiskey, gin, cordial, wine, etc.)

(ii) The brand name.

(iii) The country of origin.

(iv) The name and address of the processor.

(v) If the item is imported distilled spirits, the formula thereof (as defined in section 7.12), or if the item is imported wine, the type designation thereof (as defined in section 7.12).

(vi) The container sizes to be sold.

(3) The maximum prices the importer proposes to establish for sales of the item to his classes of customers. If the importer has established initial maximum prices under sections 1.4 or 1.5 for sales of the item to certain classes of customers, the application shall also state such maximum prices and the class of customers to which each applies.

(4) The amount of his net cost (as defined in section 1.3) for his latest purchase of the item with each element thereof separately stated. If the item is produced in a territory or possession of the United States and his supplier's maximum price therefor is prescribed by an order or regulation of the Office of Price Administration, the importer shall furnish a letter from the appropriate office of the Office of Price Administration having jurisdiction over his supplier, or other satisfactory evidence,

that his supplier's price for the item does not exceed the supplier's maximum price for the sale established under applicable Office of Price Administration regulations. In all other instances, the importer shall furnish evidence in the form of invoices, offer and acceptance, documents or affidavits that the amount used as his purchase price does not exceed the corresponding amount as of April 30, 1943. Figures used to show cost of insurance and freight shall be based on firm contract or actual experience if available, and shall be substantiated by invoices, offers, documents or affidavits submitted with the application, or, where no shipment has been received, shall be stated as estimates, and computed on the assumption that shipment was made from the foreign supplier's customary shipping point on the date the quotation was received and arrived the same day at a customary point of arrival for shipments from the particular supplier.

[Subparagraph (4) as amended by Am. 10, 8 F.R. 16928, effective 12-16-43]

NOTE: Where increases in the importer's purchase price have become effective after April 30, 1943, the purchase price as of that date and the amount of any subsequent increase therein shall be separately stated.

If a quotation is used, net cost shall be figured according to section 1.3 on the assumption that shipment was made from the foreign supplier's customary shipping point on the date the quotation was received and arrived the same day at a customary port or point of arrival for shipments from the particular supplier.

(5) The gross markup over net cost (as defined in section 1.5) which the importer proposes to use in establishing his maximum prices for the item to each of his classes of customers. The importer shall state whether or not he sold or offered items of the same type designation in the same container sizes for sale to customers of those classes during March 1942, and if he did, shall submit evidence in the form of invoices, offers, documents or affidavits showing that such gross markup does not exceed his March 1942 dollar and cents markup for sales of items of the same type designation in the same container size to customers of these classes.

[Subparagraph (5) added and former (5) redesignated (6) by Am. 10, 8 F.R. 16928, effective 12-16-43]

(6) Any other pertinent information which the importer desires to submit.

(d) *When and how authority is given or denied*—(1) *Approval of or objection to application.* If within 30 days (including Sundays and holidays) after receipt of the application by the Office of Price Administration, the importer shall not receive notice of objection to the maximum prices proposed in the application by letter from the Office of Price Administration, he shall be deemed authorized to establish such maximum prices for sales of the item to the particular classes of customers described therein: *Provided*, That if within the 30-day period the Office of Price Administration shall by letter request supplemental information with respect to any matter set forth in the application, that period shall be figured from the date on which the requested supplemental information is received in writing by the Office of

Price Administration. The authority so granted may be revoked by the Price Administrator at any time. Upon written request of the importer received by the Office of Price Administration within 30 days (including Sundays and holidays) after the date of a notice of objection given under this paragraph, the Office of Price Administration will issue a formal order denying authority to establish the maximum prices requested in his application.

(1) *Adjustment of prices based upon estimates.* If any maximum prices proposed for an item in the importer's application are based upon estimated elements of cost, and the prices for that item so proposed are, or have been approved pursuant to this section, the maximum prices so approved shall be reduced and may be increased, without further action by the Office of Price Administration, to the extent necessary to reflect any difference between the estimated expense and the actual expense for those elements on the first delivery of the item from the foreign suppliers. Within thirty days after delivery of the item, or on or before December 16, 1943, whichever is later, the importer shall report for the item to the Office of Price Administration, Beverages and Imported Foods Section, Washington, D. C. the actual expenses for the estimated elements of cost and the resulting increase or reduction in the maximum price for the item. Expenses when reported shall be substantiated by invoices or other evidence satisfactory to the Office of Price Administration.

[Subparagraph (1) added by Am. 10, 8 F.R. 16928, effective 12-16-43]

(2) The Price Administrator may, at any time, by order or by amendment to this article establish maximum prices for importer's sales of particular items to one or more classes of their customers. When the Price Administrator acts by amendment, maximum prices thereby provided shall supersede an importer's maximum prices for any such item previously established by order issued under this regulation or by authority granted under (1) above and shall apply to all his sales, offers to sell, or deliveries of the item made on and after the effective date of the amendment: *Provided*, That where an importer's maximum price for an item have been thus established or authorized prior to the issue date of the amendment, and prior to the fifth day following that issue date he has posted or listed those prices with a state or other public authority in accordance with a statute, ordinance, or regulation requiring him to do so, the price first established or authorized shall remain in effect with respect to particular sales, offers to sell or deliveries which the importer is required to make at those prices until on and after the first effective date for prices so posted or listed by him at his first opportunity following the ninth day after the issue date of the amendment.

[Subparagraph (2) as amended by Am. 10]

(3) *Compliance with price posting or listing requirements.* Authority to establish maximum prices granted by the Price Administrator pursuant to application under this section or by order or by amendment to this article shall not au-

thorize an importer to sell or offer an item for sale until after compliance with provisions of any applicable statute, ordinance or regulation requiring the posting or listing of his prices.

SEC. 1.9 Notice of maximum prices to consumers. (a) Each importer who sells or offers imported distilled spirits or wine for sale to consumers shall adopt before August 30, 1943, and thereafter continue to observe one of the following practices with respect to notifying consumers that prices charged are not in excess of maximum prices established under this article:

(1) *Use of marking on individual containers.* Before delivering an item to a consumer, an importer may mark on the container in plainly visible letters and figures his selling price for the particular brand and container size (exclusive of retail sales taxes), and a statement that the price so marked is his maximum price under this article or less, and his name and address. The following:

OPA price \$-----
(Insert amount)

(name of importer)

(address of importer)

so written or stamped on a label or on a state or local tax stamp affixed to the container shall be compliance with this requirement.

An importer who is the holder of a license or permit bearing a distinguishing number and issued under an applicable statute or ordinance, authorizing him to make sales of distilled spirits or wine to consumers may substitute such license or permit number for the statement of his name and address required hereunder.

(2) *Use of a sales slip or receipt.* At or before delivering any individual container of imported distilled spirits or wine to a consumer, the importer may hand the purchaser a sales slip or receipt setting forth in plainly visible letters and figures:

(i) The brand name, container size and number of individual containers of each item sold to the purchaser, and

(ii) The selling price of each such individual container, or the total selling price for all such containers (exclusive of retail sales taxes), and

(iii) The name and address of the importer and date of sale.

An importer complying with this requirement shall post and maintain in a place readily visible to consumers making purchases in his establishment a legible sign or placard reading substantially as follows:

Prices charged in this store are our OPA ceiling prices to consumers or less (exclusive of retail sales taxes).

(3) *Use of price posting.* An importer may post his maximum price for each item sold or offered for sale to consumers according to one of the following methods:

(i) By displaying a list of the names of each brand of imported distilled spirits or wine offered for sale to consumers, his maximum price therefor and a statement that such maximum price is his OPA ceiling price to consumers or less (exclusive of retail sales taxes). When

more than one type, formula or container size of a particular brand is offered for sale each such type, formula or container size and the maximum price thereof shall be separately itemized. Such list may also contain the importer's selling price for each item described therein. The list shall be posted and maintained in a place readily visible to consumers making purchases in the importer's establishment, shall be in letters and figures plainly visible and legible to such consumers and shall be maintained complete and correct. An importer complying with this requirement shall not sell or offer any item for sale to a consumer until the item and his maximum price therefor is so listed.

(ii) Except when prohibited by statute or ordinance, an importer may mark his selling and/or maximum price for each item on the shelf, bin, rack or other holder thereof in letters plainly visible and legible to consumers making purchases in his establishment. An importer complying with this requirement shall so maintain complete and correct markings of his selling and/or maximum prices for all items he offers for sale to consumers and shall not sell or offer any item for sale to a consumer until his selling price therefor is thus marked.

(iii) An importer posting or marking prices in accordance with (i) or (ii) above shall post and maintain in a place readily visible to consumers making purchases in his establishment a legible sign or placard reading substantially as follows:

Prices posted in this store are our OPA ceiling prices to consumers or less (exclusive of retail sales taxes).

(b) The provisions in this section shall not apply to an importer's sales of an unopened case of individual containers or to his prices therefor.

SEC. 1.10 Other provisions of this regulation applicable to sales of imported distilled spirits or wine by an importer. The following sections of Article VII of this regulation shall apply to sales of imported distilled spirits or wine by an importer:

Section 7.1 Treatment of fractional parts of a cent in figuring maximum prices.

Section 7.1a Changes in case sizes.

Section 7.2 When a sales tax may be charged in addition to a maximum price.

Section 7.2a Treatment of brokers compensation.

Section 7.3 When new taxes, or increases in existing taxes may be added to a maximum price.

Section 7.3a Distribution of packaged distilled spirits or wine.

Section 7.4 Use of minimum resale prices under State Fair Trade laws.

Section 7.4a Maximum prices for sellers for whom no specific provision is made.

Section 7.5 Adjustment of maximum prices for tax exempt sales to the United States or any agency thereof.

Section 7.5a Deposit charges on containers.

Section 7.6 Certain provisions of the General Maximum Price Regulation continued in effect.

Section 7.6a Licensing.

Section 7.7 Export sales.

Section 7.7a Compliance with other laws or regulations.

Section 7.8 Compliance with this regulation.

Section 7.9 Current records required.

Section 7.10 Petitions for amendment.

Section 7.11 *Adjustable pricing in certain instances.*

Section 7.12 *Definitions.*

Section 7.13 *Geographical applicability.*

[References to Sections 7.1a, 7.2a, 7.4a, 7.5a, 7.6a, and 7.7a added by Am. 15, effective 5-8-44]

SEC. 1.11 *Dates on which this article shall apply.* This article shall apply to all sales or offers to sell of bulk or packaged imported distilled spirits and wine made by an importer on and after August 30, 1943: *Provided*, That this article shall not apply to any sale which an importer is required by statute, ordinance or regulation to make at a price posted or listed prior to August 14, 1943, with a state or other Public Authority (if the price so posted or listed is greater or less than that established by this article for such sale) until on and after the first effective date for prices so posted or listed at the first opportunity after August 19, 1943.

ARTICLE II—MAXIMUM PRICES FOR SALES OF CERTAIN BULK DOMESTIC DISTILLED SPIRITS BY ANY PERSON; FOR SALES OF CERTAIN RELATED COMMODITIES IN BULK BY ANY PERSON, AND FOR SALES OF BULK IMPORTED DISTILLED SPIRITS OR WINE BY PERSONS OTHER THAN THE IMPORTER THEREOF

[Article heading as amended; former sec. 2.1 revoked and new sec. 2.1 added by Am. 3, 8 F.R. 13500, effective 10-7-43]

SEC. 2.1 *Purposes of Article II—(a) Generally.* Article II is designed to establish maximum prices for the following:

(1) Sales of certain bulk domestic distilled spirits by any person;

(2) Sales in bulk of certain products related to domestic distilled spirits when made by any person;

(3) Sales of bulk imported distilled spirits or wine by persons other than the importer thereof.

[Undesignated paragraph deleted by Am. 15, effective 5-8-44]

(b) *Prior regulations, orders and interpretations superseded.* Except as otherwise provided in this regulation, Article II supersedes all other maximum price regulations, orders and interpretations issued by the Office of Price Administration before October 7, 1943, with respect to all sales to which it applies, including the applicable provisions of the following:

(1) The General Maximum Price Regulation;

(2) Article II of Revised Supplementary Regulation No. 14;

(3) Maximum Price Regulation No. 193, as amended;

(4) Orders Nos. 1 through 5 inclusive under Maximum Price Regulation No. 193;

Provided, That such maximum price regulations, orders and interpretations shall remain in force with respect to a particular sale until provisions of this article become applicable thereto pursuant to section 2.6.

SEC. 2.2 *General rules for figuring maximum prices under this article.* A seller required to establish maximum prices under this article must observe the following rules with respect thereto:

(a) *Customer classifications.* Where a maximum price is provided by sections 2.3 or 2.4, that maximum price applies to the classes of customers specified therein, or, if no class of customers be specified, then to all classes of customers.

(b) *Discounts, allowances, price differentials and terms of sale.* (1) Customary discounts in effect during March 1942 in accordance with a seller's March 1942 customer classifications must be applied to his maximum prices established under this article.

(2) If a seller makes his terms of sale to a customer more onerous than those in effect during March 1942 for his sales to a customer of the same class, he must make a compensating reduction in his maximum price established under this article.

(3) If a seller directly or indirectly requires a customer to make any payment in advance of delivery (whether to the seller or to another person) the seller must reduce his maximum price established under this article for that sale by an amount equal to interest at the rate of 5% per annum on the amount of the advance payment from the date the payment is made to the date on which the item is delivered or the payment is refunded to the customer.

(c) *Procedure where no maximum price is provided in this article for a particular sale.* If a person desires to sell a commodity for which his maximum price must be determined under this article, and no maximum price or pricing method is otherwise provided in this article for the particular sale, that person shall make application to the Office of Price Administration, Beverage Section, Washington, D. C. for authority to establish such maximum price. The application shall be in writing signed by the applicant or by a duly authorized officer or agent thereof and shall state that it is filed under this section. It shall also contain the name and address of the applicant, the nature of his business, descriptions both of the commodity to be sold and of the particular sale applicant desires to make, and the maximum price which applicant desires to establish. After such application is filed, the Price Administrator may establish a maximum price for such sale by amendment to this regulation or authorize a maximum price therefor by order. Such order may be revoked or amended by the Price Administrator at any time. No person required to apply hereunder for authority to establish a maximum price for a particular sale shall make that sale until after such amendment or order is issued and becomes effective: *Provided*, That while the request for authority to establish a maximum price is pending on such application, the Office of Price Administration may permit applicant to sell, deliver, or agree to sell or deliver under an agreement with the customer to adjust

the price charged to an amount not in excess of the maximum price later established under this article. Such permission may be given only if necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942 as amended, and may be given by letter or order signed by the Price Administrator, or by any official of the Office of Price Administration to whom authority to grant such permission has been delegated.

[Paragraph (c) as amended by Am. 15, effective 5-8-44]

SEC. 2.3 *Maximum prices for bulk domestic whiskey and for bulk domestic brandy.*

NOTE: "Bulk domestic brandy" comprehends only brandy made from grapes. See definition of brandy in section 7.12 (a) (16).

(a) *Maximum prices for sales in bond.* Any seller's maximum price for a sale of bulk domestic whiskey in bond on an original proof gallon basis or on a regauged proof gallon basis, whether or not made by transfer of warehouse receipt or other evidence of title, shall be determined according to the age of the whiskey and the basis of sale as set forth in paragraph (c) of this section. Any seller's maximum price for a sale in bond of bulk domestic brandy in distiller's original barrels whether or not made by transfer of warehouse receipt or other evidence of title shall be determined according to the age of the brandy to be priced as set forth in paragraph (c) of this section.

(b) *Maximum prices for tax paid sales.* Any seller's maximum price for a tax paid sale of bulk domestic whiskey on an original proof gallon basis or on a regauged proof gallon basis, whether or not made by transfer of warehouse receipt or other evidence of title, shall be as follows: (1) For sales on an original proof gallon basis, the maximum price per original proof gallon shall be the price set forth in paragraph (c) (1) of this section according to the age of the whiskey being priced, plus the amount of United States excise taxes at rates in effect on November 2, 1942 paid by the seller and applicable to that whiskey; (2) For sales on a regauged proof gallon basis, the maximum price per regauged proof gallon shall be the price set forth in Column 2 of paragraph (c) (2) of this section according to the age of the whiskey being priced.

Any seller's maximum price for a tax paid sale of bulk domestic brandy in distiller's original barrels, whether or not made by transfer of warehouse receipt or other evidence of title, shall be the maximum price set forth in paragraph (c) (3) of this section according to the age of the brandy being priced, plus the amount of United States excise taxes at rates in effect on November 2, 1942, paid by the seller and applicable to that brandy.

[Section heading and paragraphs (a) and (b) as amended by Am. 12, 9 F.R. 2240, effective 3-2-44]

(c) *Maximum price tables*—(1) *For bulk domestic whiskey sold on an original proof gallon basis.*

Age (months)		Maximum prices per original proof gallon
More than—	Not more than—	
2	2	\$0.69
4	4	.73
6	6	.77
8	8	.81
10	10	.85
12	12	.89
14	14	.93
16	16	.97
18	18	1.01
20	20	1.07
22	22	1.13
24	24	1.19
26	26	1.25
28	28	1.31
30	30	1.35
32	32	1.41
34	34	1.46
36	36	1.51
38	38	1.56
40	40	1.61
42	42	1.65
44	44	1.69
46	46	1.72
48	48	1.75
50	50	1.78
52	52	1.81
54	54	1.84
56	56	1.87
58	58	1.90
60	60	1.93
62	62	1.96
64	64	1.98
66	66	2.00

NOTE: Maximum prices set forth above include all excise and processing taxes of any state or subdivision thereof at rates in effect on November 2, 1942 and storage and all other charges applicable to the quantity being priced and accrued to date of sale together with brokerage commissions, if any, paid by the seller incident to the particular sale.

[Paragraph heading as amended by Am. 12]

(2) *For bulk domestic whiskey sold on a regauged proof gallon basis.*

Age (months)		Column 1 Maximum prices for regauged proof gallon in bond	Column 2 Maximum prices for regauged proof gallon tax paid
More than	Not more than		
2	2	\$0.712	\$0.71
4	4	.770	.77
6	6	.821	.82
8	8	.874	.87
10	10	.927	.93
12	12	.982	.98
14	14	1.038	1.04
16	16	1.096	1.10
18	18	1.154	1.15
20	20	1.213	1.21
22	22	1.273	1.27
24	24	1.333	1.33
26	26	1.393	1.39
28	28	1.454	1.45
30	30	1.514	1.51
32	32	1.575	1.57
34	34	1.636	1.63
36	36	1.697	1.69
38	38	1.758	1.75
40	40	1.819	1.81
42	42	1.880	1.88
44	44	1.941	1.94
46	46	2.002	2.00
48	48	2.063	2.06
50	50	2.124	2.12
52	52	2.185	2.18
54	54	2.246	2.24
56	56	2.307	2.30
58	58	2.368	2.36
60	60	2.429	2.42
62	62	2.490	2.49
64	64	2.551	2.55
66	66	2.612	2.61
68	68	2.673	2.67
70	70	2.734	2.73
72	72	2.795	2.79
74	74	2.856	2.85
76	76	2.917	2.91
78	78	2.978	2.97
80	80	3.039	3.03
82	82	3.100	3.10
84	84	3.161	3.16
86	86	3.222	3.22
88	88	3.283	3.28
90	90	3.344	3.34

NOTE: Maximum prices in columns 1 and 2 include all excise and processing taxes of any state or subdivision thereof at rates in effect on November 2, 1942; and storage and all other charges applicable to the quantity being priced and accrued to date of sale, together with brokerage commissions, if any, paid by the seller incident to the particular sale. Maximum prices set forth in Column 2 also include the amount of United States excise taxes at rates in effect on November 2, 1942.

[Subparagraph (2) added and former (2) designated (3) by Am. 12, 9 F.R. 2240, effective 3-2-44]

(3) *For bulk domestic brandy in distiller's original barrels.*

NOTE: "Bulk domestic brandy" comprehends only brandy made from grapes.

Age (months)		Maximum prices per original proof gallon
More than—	Not more than—	
24	24	\$1.23
26	26	1.23
28	28	1.42
30	30	1.43
32	32	1.43
34	34	1.54
36	36	1.54
38	38	1.60
40	40	1.63
42	42	1.72
44	44	1.73
46	46	1.84
48	48	1.84
50	50	1.90
52	52	1.90

NOTE: Maximum prices set forth above include all excise and processing taxes of any state or subdivision thereof at rates in effect on November 2, 1942 and storage and all other charges applicable to the quantity being priced and accrued to date of sale together with brokerage commissions, if any, paid by the seller incident to the particular sale.

(d) *Determination of age.* The age of bulk domestic whiskey to be priced hereunder shall be calculated by determining the number of full months intervening between the date of entry into bond (as indicated on the warehouse receipt) to and including the date of sale. The age of bulk domestic brandy to be priced hereunder shall be calculated by determining the number of full months intervening between the date of original gauge (as indicated on the barrel) to and including the date of sale. A full month shall be the period from the date of the month of the original entry into bond or original gauge, as the case may be, to but not including, the corresponding date of the following month, and in like manner from the corresponding date of each following month.

(e) *License contracts.* (1) Paragraphs (a), (b), (c) and (d) of this section shall not apply to sales or deliveries of bulk domestic whiskey made pursuant to a license contract entered into prior to February 3, 1943 at prices not in excess of those provided in such contract, or made pursuant to renewals after February 2, 1943 of such contracts entered into prior to February 3, 1943 if the renewal is made within 90 days after the expiration of the preceding contract or renewal at prices not in excess of those provided therein. Similarly, those paragraphs shall not apply to sales or deliveries of bulk domestic brandy made pursuant to a license contract entered into prior to October 1, 1943 at prices not in excess of those provided in such contract, or made pursuant to renewals after September 30, 1943 of such contracts entered into prior to October 1, 1943 if the renewal is made within 90 days after the expiration of the preceding contract or renewal at prices not in excess of those provided therein. Paragraphs (a), (b), (c) and (d) of this section shall, except as so provided, apply to sales, offers to sell or deliveries of bulk domestic whiskey and bulk domestic brandy in distiller's original barrels made pursuant to license contracts.

(2) Except as provided in subparagraph (1) above the sale of bulk domes-

tic whiskey pursuant to license contract entered into subsequent to February 2, 1943 or renewals thereof, or the sale of bulk domestic brandy pursuant to license contract entered into subsequent to October 1, 1943 or renewals thereof, shall not exceed the maximum prices established under paragraph (c) hereof. Nothing herein contained shall be construed to prohibit the making of such license contracts, provided the prices contained therein shall not exceed the maximum prices established under paragraph (c) hereof.

[Subparagraph (2) added and former (2) redesignated (3) by Am. 15, effective 5-8-44]

(3) Each seller of bulk domestic whiskey pursuant to a license contract entered into after March 31, 1942 and prior to February 3, 1943 and each seller of bulk domestic brandy pursuant to license contract entered into after March 31, 1942 and prior to October 1, 1943, shall file a true and correct copy of such contract with the Office of Price Administration, Beverage Section, Washington, D. C. on or before November 1, 1943.

NOTE: License contracts for the sale or delivery of bulk domestic whiskey, previously filed with the Office of Price Administration in accordance with § 1420.13 (h) (3) of Maximum Price Regulation No. 193, need not be refilled.

(f) *Alterations of original proof.* No sales of bulk domestic whiskey or bulk domestic brandy shall be made at the maximum price per original proof gallon provided under (c) after the original proof of such whiskey or brandy has been altered, otherwise than as the result of aging. In the event the original proof of such whiskey or brandy has been altered otherwise than as the result of aging, and prices for the sale are not otherwise provided in this article, the person desiring to make the sale shall apply to the Office of Price Administration, Beverage Section, Washington, D. C. for authority to establish such maximum price pursuant to section 2.2 (c).

(g) *Bulk domestic malt whiskey.* The provisions of section 2.3 shall not apply to sales, offers to sell or deliveries of bulk domestic malt whiskey. Maximum prices for the sales of bulk domestic malt whiskey shall be established by application pursuant to section 2.2 (c).

[Paragraphs (f) and (g) as amended by Am. 15, effective 5-8-44]

(h) *Sales of bulk domestic brandy on regauged basis.* The maximum price for any sale of bulk domestic brandy in distiller's original barrels or otherwise whether in bond or tax paid, sold on a regauged basis, shall be determined by application to the Office of Price Administration, Beverage Section, Washington, D. C. pursuant to section 2.2 (c).

[Paragraph (h) added by Am. 15.]

SEC. 2.4 Maximum prices for bulk domestic grape spirits, and bulk domestic spirits-fruit, neutral brandy, high proof and high wines made from any fruits or berries except grapes—(a) For sales by the processor. The processor's maximum price to a customer of any class for a commodity to which this section applies shall be \$1.11 per proof gallon naked f. o. b. processor's premises in carload quantity. For sales in less than carload quantity, the processor may add 2½ cents per proof gallon to his maximum price naked f. o. b. processor's premises in carload quantity. If the processor furnishes the containers in which the commodity is packed and such containers become the property of the customer upon delivery of the commodity, the processor may make a separate charge for the containers not in excess of his maximum price therefor.

NOTE: For sales on a delivered basis, the processor may add transportation charges per proof gallon from his point of shipment to the place of delivery at the rate actually paid (exclusive of expense of hauling, drayage or handling within the metropolitan area of such point or place.)

(b) For sales by dealers who on and prior to October 1, 1943, maintained a warehouse. (1) A dealer who, on and prior to October 1, 1943, maintained a warehouse for distribution and sale of any commodity to which this section applies shall determine his maximum price for the commodity pursuant to this paragraph.

(2) Such dealer's maximum price per proof gallon for any quantity of the commodity, naked f. o. b. dealer's shipping point shall be the total of the following:

(i) **Processor's price.** \$1.11 per proof gallon naked f. o. b. processor's premises.

(ii) **Container cost.** The amount per proof gallon which the processor is authorized to and does charge the dealer as the purchase price of containers of the quantity to be priced.

(iii) **Freight.** Transportation charges per proof gallon from the processor's premises to the dealer's customary receiving point for the commodity at the carload rate. No amount shall be included for

(a) Transportation charges on sales f. o. b. processor's premises where shipment is made directly to the customer at the customer's expense; or

(b) Expense of hauling, drayage or handling within the metropolitan area of the shipping or receiving point.

(iv) 10¼ cents per proof gallon of the quantity to be priced.

NOTE: For sales on a delivered basis, the dealer may add transportation charges per proof gallon from his point of shipment to the place of delivery at the rate actually paid (exclusive of expense of hauling, drayage or handling within the metropolitan area of such point or place).

(c) Tax paid sales. Maximum prices for sales of bulk domestic grape spirits, and bulk domestic spirits-fruit, neutral brandy, high proof and high wines established by paragraphs (a) and (b) of this section are prices in bond. If a sale is made tax paid, the seller may add to his maximum price for the quantity in bond, the amount of United States excise taxes at rates in effect on November 2,

1942 paid by him to the taxing authority or to a prior vendor with respect to that quantity.

(d) [Revoked]

[Paragraph (d) revoked by Am. 15, effective 5-8-44]

[Sec. 2.2 through 2.4 added by Am. 3, 8 F.R. 13500, effective 10-7-43]

SEC. 2.4a Maximum prices for bulk domestic neutral spirits produced from any material and bulk domestic high wines manufactured from cane or grain. Any seller's maximum price to any class of customers for sales of bulk domestic neutral spirits produced from any material or for sales of bulk domestic high wines manufactured from cane or grain (as defined in section 7.12 (a) (44) and (48)) shall be his maximum price therefor established under § 1499.2 (a) (1) of the General Maximum Price Regulation. Sellers who are unable to establish maximum prices for these items pursuant to § 1499.2 (a) (1) of General Maximum Price Regulation shall determine their maximum prices by application pursuant to section 2.2 (c).

SEC. 2.4b Maximum prices for bulk imported distilled spirits and bulk imported wines by persons other than the importer. Maximum prices for sales of bulk imported distilled spirits and bulk imported wines by persons other than the importer thereof shall be established by application pursuant to section 2.2 (c).

[Secs. 2.4a and 2.4b added by Am. 15, effective 5-8-44]

SEC. 2.5 Maximum prices for denatured rum. Any seller's maximum price to a customer of any class for a sale of denatured rum shall be \$.80 cents per wine gallon in any quantity, including the cost of barrel, drum or other container, f. o. b. seller's place of production. "Denatured rum" means that product produced in accordance with Formula No. 4 as set forth in the Appendix of Regulations No. 3 as amended, issued by the Treasury Department, Bureau of Internal Revenue.

[Sec. 2.5 added by Am. 15, effective 5-8-44. Former Sections 2.5 and 2.6 added by Am. 3, 8 F.R. 13500, effective 10-7-43 and redesignated Sections 2.6 and 2.7, respectively, by Am. 15]

SEC. 2.5a Provisions relating to certain distributions of bulk domestic distilled spirits—(a) Notice requirements. Any corporation, unincorporated association, cooperative association, company or partnership transferring or distributing bulk domestic distilled spirits (in the form of warehouse receipts or otherwise) to its shareholders or members or to representatives of its shareholders or members, shall give notice of the maximum prices applicable to sales of such bulk domestic distilled spirits to each shareholder or member or distributee entitled to receive or to participate therein. Such notice shall be given on or before

the date of the transfer or distribution and shall be in writing stating substantially as follows:

Under OPA regulations, selling prices for sales of (specify type or types of domestic distilled spirits being transferred or distributed, such as bulk domestic whiskey, bulk domestic brandy, bulk domestic neutral spirits, etc.) are as follows:

(Here set forth applicable maximum prices determined pursuant to sections 2.3 (c) (1) or 2.3 (c) (2) of MPR 445 or such other sections or regulations as may apply.)

These selling prices are for sales in bond and apply to your resales of (specify type or types of domestic distilled spirits as above) being distributed by this company. Where sales are made tax paid, applicable U. S. excise taxes which you pay may be added. If you sell or transfer in bulk the domestic distilled spirits distributed by this company, a report of the sale must be filed within ten days thereafter, with the district office of OPA having jurisdiction over the territory in which you reside or in which your place of business is located.

OPA requires you to keep this notice for examination.

Name of company

(b) Application requirements. If the maximum price for which the bulk domestic distilled spirits may be sold by the shareholders, members or distributees must be determined by application to the OPA, the corporation, unincorporated association, cooperative association, company or partnership shall, prior to making the transfer or distribution, apply to the Office of Price Administration, Beverage Section, Washington, D. C., for the establishment of such price, and shall state the price established pursuant to the application in the notice required to be given by paragraph (a).

(c) Prohibition. No corporation, unincorporated association, cooperative association, company or partnership shall pay to or for the account of a shareholder, member or distributee receiving or entitled to receive bulk domestic distilled spirits as the result of a corporate distribution or otherwise, as consideration for a transfer or surrender of the shareholder's, member's or distributee's rights therein, money or property exceeding in value the maximum price for a sale of the particular bulk domestic distilled spirits by the shareholder, member or distributee.

(d) Report to be filed by shareholder, member or distributee. Every person who receives bulk domestic distilled spirits (in the form of warehouse receipts or otherwise) as the result of a transfer or distribution thereof by a corporation, unincorporated association, cooperative association, company or partnership and thereafter sells or transfers the same, shall file a report of the sale or transfer with the district office of the Office of Price Administration having jurisdiction of the territory in which he resides or in which his place of business is located. Such report shall be in writing, signed by the seller, and shall be filed within ten days after the sale or transfer is made, and shall contain:

1. The name and address of the seller.
2. The name and address of the buyer.
3. The date of the sale.
4. A description sufficient to identify the character and quantity of each type

of bulk domestic distilled spirits sold or transferred including, in the case of bulk domestic whiskey, the date of entry into bond as shown by the warehouse receipt, and in the case of bulk domestic brandy, the date of original gauge as shown on the barrel.

5. The total price which the buyer has paid or contracted to pay for the purchase of the bulk domestic distilled spirits described in the report.

6. The amount of any commission, brokerage or fee which the seller has contracted to pay in connection with the sale or transfer and the name and address of each person to whom payment thereof is to be or has been made.

7. Whether, to the seller's knowledge, the buyer has paid or contracted to pay any commission, brokerage or fee in connection with the sale or transfer, and, if known by the seller, the amount thereof and the name and address of each person to whom payment thereof is to be or has been made. If the seller has no knowledge of such commission, brokerage or fee which the buyer has paid or contracted to pay, the report shall so state.

[Sec. 2.5a added by Am. 8, 8 F.R. 16997, effective 12-20-43]

SEC. 2.6 Other provisions of this regulation applicable to sales for which maximum prices are established under this article. The following sections of Article VII of this regulation shall apply to sales for which maximum prices are established under this article:

Section 7.1 *Treatment of fractional parts of a cent in figuring maximum prices.*

Section 7.2 *When a sales tax may be charged in addition to a maximum price.*

Section 7.2a *Treatment of brokers compensation.*

Section 7.3 *When new taxes, or increases in existing taxes may be added to a maximum price.*

Section 7.3a *Distribution of packaged distilled spirits or wine.*

Section 7.4 *Use of minimum resale prices under State Fair Trade Laws.*

Section 7.4a *Maximum prices for sellers for whom no specific provision is made.*

Section 7.5 *Adjustment of maximum prices for tax exempt sales to the United States or any agency thereof.*

Section 7.5a *Deposit charges on containers.*

Section 7.6 *Certain provisions of the General Maximum Price Regulation continued in effect.*

Section 7.6a *Licensing.*

Section 7.7 *Export sales.*

Section 7.7a *Compliance with other laws or regulations.*

Section 7.8 *Compliance with this regulation.*

Section 7.9 *Current records required.*

Section 7.10 *Petitions for amendment.*

Section 7.11 *Adjustable pricing in certain instances.*

Section 7.12 *Definitions.*

Section 7.13 *Geographical applicability.*

[References to Section 7.2a, 7.4a, 7.5a, 7.6a, and 7.7a added by Am. 15, effective 5-8-44]

SEC. 2.7 Dates on which this article shall apply. This article shall apply to all sales, and offers to sell and deliveries of the commodities specified therein made on and after October 7, 1943; *Provided*, That this article shall not apply to deliveries made on and before October

21, 1943 pursuant to sales or contracts to sell made prior to October 1, 1943.

[Sec. 2.7, formerly 2.6, added by Am. 3, 8 F.R. 13500, effective 10-7-43]

ARTICLE III—MAXIMUM PRICES FOR SALES OF PACKAGED DOMESTIC DISTILLED SPIRITS BY PROCESSORS

SEC. 3.1 Purposes of Article III—(a) Generally. (1) Article III establishes maximum prices for sales of packaged domestic distilled spirits by processors to any purchaser.

(2) Maximum prices for sales of bulk domestic distilled spirits must be established under Article II of this regulation or under Maximum Price Regulation No. 193, whichever is applicable to the particular sale. Maximum prices for sales of bulk or packaged imported distilled spirits must be established under Articles I, II or V of this regulation or under the General Maximum Price Regulation, whichever is applicable to the particular sale.

(3) Maximum prices for sales of packaged domestic distilled spirits by persons other than the processor must be established under Article V of this regulation, or under Maximum Price Regulation No. 193, whichever is applicable to the particular sale.

NOTE: Article III is applicable to processors' sales of all classifications and subclassifications of packaged domestic distilled spirits, including (but not limited to) those classifications and subclassifications containing as an ingredient imported neutral spirits, imported distilled spirits, or neutral spirits derived from domestic processing of imported distilled spirits.

[Sec. 3.1 as amended by Am. 9, 8 F.R. 17415, effective 1-6-44]

SEC. 3.2 Processors' maximum prices. The maximum prices provided in this article for processors' sales of packaged domestic distilled spirits are as follows:

(a) *Items sold or offered for sale by the processor during March 1942.* The processor's maximum price for sales of an item of packaged domestic distilled spirits which he sold or offered for sale during March 1942 shall be one of the following maximum prices:

(1) For all classifications of domestic distilled spirits, the March 1942 maximum price determined as provided in Appendix A; or

(2) For domestic whiskey only, the processor may elect to establish a prescribed uniform maximum price determined as provided in Appendix E; or

(3) For all classifications of domestic distilled spirits (except where a maximum price can be established under Appendix A or where the processor elects to establish a prescribed uniform maximum price under Appendix E) the special maximum price by authorization determined as provided in Appendix F.

(b) *Items of a brand name sold or offered for sale by the processor during March 1942, but of a different formula or container size.* The processor's maximum price for sales of an item of packaged domestic distilled spirits where the brand name is the same as that for the item which he sold or offered for sale during March 1942, but the formula or container size is different, shall be one of the following maximum prices:

(1) For all classifications of domestic distilled spirits, where there is a change in container size, the converted March 1942 maximum price determined as provided in Appendix B. Where the particular change in container size is not covered in that appendix, the special maximum price by authorization determined as provided in Appendix F.

(2) For domestic whiskey, domestic gin, domestic brandy and domestic rum, where there is a change in proof, the converted March 1942 maximum price determined as provided in Appendix C. For all other classifications of domestic distilled spirits, where there is a change in proof, the special maximum price by authorization determined as provided in Appendix F.

(3) For domestic whiskey only, where there is a change in formula (other than proof), the converted March 1942 maximum price determined as provided in Appendix D. For all other classifications of domestic distilled spirits, where there is a change in formula (other than proof), the special maximum price by authorization determined as provided in Appendix F.

(4) For domestic whiskey only, the processor may elect to establish a prescribed uniform maximum price determined as provided in Appendix E.

(5) For all classifications of domestic distilled spirits (except where a maximum price can be established under Appendices B through D inclusive or where the processor elects to establish a prescribed uniform maximum price under Appendix E), the special maximum price by authorization determined as provided in Appendix F.

NOTE: Where the change in formula (other than proof) involves only a substitution of the ingredient distilled spirits for which provision is made in paragraph (d) below, such items must be priced in accordance with Appendix G where applicable. A special maximum price by authorization may not be established where a maximum price provided in the other appendices can be adjusted in accordance with the provisions of Appendix G.

(c) *Items of a brand name not sold or offered for sale by the processor during March 1942.* The processor's maximum price for sales of an item of packaged domestic distilled spirits of a brand name not sold or offered for sale by the processor during March 1942 shall be one of the following maximum prices:

(1) For domestic whiskey only, the prescribed uniform maximum price determined as provided in Appendix E.

(2) For all classifications of domestic distilled spirits (except for sales of domestic whiskey for which a maximum price can be established under Appendix E), the special maximum price by authorization determined as provided in Appendix F.

(d) *Items in which substitution is made of certain ingredients.* For sales of any item of packaged domestic distilled spirits in which imported neutral spirits, neutral spirits derived from domestic processing of imported distilled spirits, imported distilled spirits, high wines or spirits-fruit are substituted in the item, the processor's maximum

price shall be a maximum price established under paragraphs (a), (b), or (c), as though no substitution had been made, adjusted for the applicable substitution as provided in Appendix G.

Sec. 3.3 *General rules.* Processors must observe the following rules in establishing their maximum prices under this article.

(a) *Pricing methods provided in this article.* (1) Article III provides several pricing methods for processors' sales of items of packaged domestic distilled spirits. Those pricing methods are set forth in detail in Appendices A through G, and specific rules are provided therein for each pricing method. One of those methods requires processors of items of domestic whiskey of a brand name not sold or offered for sale by the processor during March 1942 to establish a prescribed uniform maximum price for the item. That method, set forth in Appendix E, applies only to items of domestic whiskey. From time to time appendices will be added in which prescribed uniform maximum prices will likewise be provided for items of other classifications of domestic distilled spirits such as brandy, rum, gin, cordials and liqueurs. Until such time as prescribed uniform maximum prices for each of those classifications are added to this article, processors of items of those classifications of a brand name not sold or offered for sale during March 1942 must establish special maximum prices by authorization in accordance with the provisions of Appendix F.

(2) Processors of items of a brand name, container size and formula (including proof) which they sold or offered for sale during March 1942, regardless of the classification thereof, are required to establish March 1942 maximum prices under Appendix A for sales to customers of a particular class to which the item was sold or offered for sale by the processor during March 1942. Where the sale is to a customer of a different class, the processor must establish a special maximum price by authorization under Appendix F. However, for items of domestic whiskey the processor may elect to establish a prescribed uniform maximum price under Appendix E. Where the processor elects to establish a prescribed uniform maximum price for any item of domestic whiskey he must, after making a sale at such price, establish prescribed uniform maximum prices for all sales thereafter to any purchaser of any item of domestic whiskey bearing the same brand name.

(3) Where only the container size of an item is different from that for the item sold or offered for sale by the processor during March 1942, the processor, except where he elects to establish a prescribed uniform maximum price for the item, must establish a converted March 1942 maximum price under the method in Appendix B. That method is applicable to all classifications of domestic distilled spirits subject only to the qualification that the change must be from and to the sizes covered in the appendix. For other sizes, the processor must establish a special maximum price by authorization under Appendix F.

(4) Where the proof of an item of domestic whiskey, domestic brandy, domestic gin or domestic rum is different from that of the item sold or offered for sale by the processor during March 1942, the processor, except where he elects to establish a prescribed uniform maximum price for the item, must establish a converted March 1942 maximum price under the method provided in Appendix C. For all other classifications of domestic distilled spirits where the proof is different from that for the item sold or offered for sale by the processor during March 1942, the processor must establish a special maximum price by authorization under Appendix F.

(5) Where the formula (other than proof) of an item of domestic whiskey is different from that for the item sold or offered for sale by the processor during March 1942, the processor, except where he elects to establish a prescribed uniform maximum price for the item, must establish a converted March 1942 maximum price under the method provided in Appendix D. For all other classifications of domestic distilled spirits, where the formula (other than proof) is different from that for the item sold or offered for sale by the processor during March 1942, the processor must establish a special maximum price by authorization under Appendix F.

(6) In any instance where two or more changes are involved the conversion must be made first, for the change in container size; second, for the change in proof; and third, for the change in formula other than proof.

(7) Where there is a substitution of certain ingredient distilled spirits an adjustment of the maximum prices established under other provisions of this article is provided in Appendix G.

(8) Notwithstanding the foregoing provisions of this article, converted March 1942 maximum prices as provided in Appendix D, and prescribed uniform maximum prices as provided in Appendix E cannot be established for items of domestic whiskey containing malt whiskey. For items of domestic whiskey containing malt whiskey, where the formula (other than proof) or brand name is different from that for the item sold or offered for sale by the processor during March 1942, the processor must establish a special maximum price by authorization under Appendix F.

(b) *Figuring maximum prices for each item separately.* Each item of packaged domestic distilled spirits must have a separate maximum price determined in accordance with the applicable pricing appendix. One item must not be considered the same as another if there is any difference in

(1) Their brand names,
(2) Their container sizes,
(3) Their formulae (as defined in section 7.12), or

(4) Requirements of United States labeling laws or regulations applicable to each, with respect to material information contained on their labels. Age, proof, type designation, and ingredients, as stated on the labels, shall be deemed material information. "Bottled in bond" domestic whiskey shall be deemed to be

four years of age where no age statement appears on the labels.

"Item" means a particular brand name, formula and container size of packaged domestic distilled spirits of a particular classification or subclassification of identity.

"Classification" or "subclassification" of domestic distilled spirits, as used in this article, means the applicable classification or subclassification of identity contained in Articles II and III of Regulations No. 5 relating to Labeling and Advertising of Distilled Spirits, as amended, issued under the provisions of the Federal Alcohol Administration Act, as amended.

Any difference whatsoever between brand names shall be deemed to require separate pricing. For example, a change of name from "Royal King" to "Royal King Reserve" or to "Royal King Three Star" or to "Royal" is a change of brand name. However, a change of brand name when made to comply with any judicial decree, or to terminate legal proceedings to compel such change, shall not require the item to be repriced if the processor before changing the brand name, or having under such circumstances changed the brand name on or before January 6, 1944, notifies the Office of Price Administration, Beverage Section, Washington, D. C., in writing of the facts which require or did require the change; and if the processor receives written permission from a duly authorized officer of the Office of Price Administration to establish maximum prices for items bearing such brand name under the methods provided in this article for items of a brand name sold or offered for sale by the processor during March 1942.

(c) *Customer classifications.* (1) A separate maximum price must be established for the processor's sales of each item to each class of customers he sells in accordance with the method under which the maximum price for the item is established.

(i) Where a processor establishes a March 1942 maximum price under Appendix A, his customers for sales of the item must be classified in accordance with his March 1942 customer classifications. If the processor desires to sell the item so priced to a customer of a class to which he did not sell or offer to sell it during March 1942, he must establish a special maximum price by authorization under Appendix F.

(ii) Where a processor establishes a converted March 1942 maximum price under the Appendices B, C or D, his customers for sales of the item must be classified in accordance with his March 1942 customer classifications for sales of the item used as the base for the conversion. If the processor desires to sell the item so priced to customers of a class to which he did not sell or offer to sell the base item during March 1942, he must establish a special maximum price by authorization under Appendix F.

(iii) Where a processor establishes a prescribed uniform maximum price under Appendix E, his customers for sales of the item are to be classified only as wholesalers, monopoly states, primary

distributing agents, retailers and consumers.

(iv) Where a processor establishes a special maximum price by authorization under Appendix F, the maximum price thus established shall apply only to the class of customers stated in the application or in the order, or amendment to this regulation issued pursuant thereto.

(v) Under subdivisions (i) and (ii) no purchaser shall be deemed to be in the same class as another if during March 1942, with respect to the processor's sales of items of packaged domestic distilled spirits to such persons, any difference existed in the rates of applicable taxes paid by the processor, or any difference existed in applicable transportation charges paid by the processor if the selling price was a delivered price. In no event shall a purchaser be deemed to be in the same class as another if there is any difference between such purchasers in accordance with the processor's March 1942 customer classifications or in the identity of such persons as described in the definitions in section 7.12.

(d) *Discounts, allowances, price differentials and terms of sale.* (1) Customary discounts, allowances and other price differentials (except "special deals" to which § 1499.4 (b) of the General Maximum Price Regulation applied) in effect during March 1942 in accordance with the processor's March 1942 customer classifications must be applied to his maximum prices established under this article: *Provided*, That discounts and allowances based solely on quantity purchases (in dollars or units) need not be maintained: *And, provided further*, That allowances and price differentials in accordance with the processor's March 1942 customer classifications need not be maintained with respect to sales of items for which prescribed uniform maximum prices are established.

NOTE: Nothing in the above paragraph shall be construed to prevent any sale at an amount lower than any maximum price established by this regulation. A processor need not maintain any customary discount, allowance or price differential if he reduces his maximum price by an amount which compensates all his customers of the particular class for the elimination of the discount, allowance or price differential.

(2) If a processor makes his terms of sale to a customer more onerous than those in effect during March 1942 for his sales to a customer of the same class, he must make a compensating reduction in his maximum price established under this article.

(3) If a processor directly or indirectly requires a customer to make payment in advance of delivery (whether to the processor or to another person), the processor must reduce his maximum prices established under this article for that sale by an amount equal to interest at the rate of 5 percent per annum on the amount of the advance payment from the date the payment is made to the date on which the item is delivered or the payment is refunded to the customer.

(e) *F. O. B. and delivered prices.* (1) Where a seller establishes a March 1942 maximum price or a converted March 1942 maximum price for an item, and the

highest price at which he sold or offered to sell during March 1942 (used to determine such maximum price) was a delivered price, or an f. o. b. particular freight base point price, the maximum price thus established shall correspondingly be a delivered price or an f. o. b. particular freight base point price, as the case may be. A separate maximum price must be established for the item for each freight basing point from which shipment was made during March 1942 if the processor continues to make shipment from such freight basing point. In any instance where shipment is to be made from a freight basing point from which no shipment was made during March 1942, a special maximum price by authorization must be established under Appendix F.

(2) Prescribed uniform maximum prices are prices f. o. b. bottling plant, except as otherwise expressly provided.

(3) If a processor's maximum price is a price f. o. b. bottling plant, or f. o. b. a particular freight base point, and he desires to convert it to a delivered price for delivery to a point outside the metropolitan area of that place, he may add to his maximum price transportation charges from that place to the point of delivery at the same rate payable for the same transportation service in March 1942.

NOTE: For a definition of "transportation charges" and the method of computing them when the seller uses his own vehicle, see section 7.12 (d) (4) of Article VII.

(4) Any processor who during March 1942 maintained a practice of selling in specific territories on an average freight charge included in his selling price may continue such practice with respect to any maximum price established under this regulation, if he uses the same rates (no addition may be made for federal freight taxes) as he used in March 1942, and if he follows a uniform practice with respect to this method.

(f) *Sales and offers to sell.* Where the price for a sale or for an offer to sell during March 1942 is to be used in determining a maximum price under this article, the price for a sale completed by delivery during that month must be used if such sale was made. An offering price may be used only if no such sale was made during March 1942, if it was an offering price for supply or delivery during that month, and if the offer or an acceptance thereof is supported by written evidence.

Where the price for a sale or for an offer to sell during March 1942 is to be used by the processor in determining a maximum price under this article, the price so used must be the price for an item with respect to which he was the processor during March 1942.

(g) *Prior regulations, orders and interpretations superseded.* Except as otherwise provided in this regulation and in Supplementary Order No. 40,^{*} Article III supersedes all other maximum price regulations, orders and interpretations issued by the Office of Price Administration before January 6, 1944, with respect to sales of packaged

domestic distilled spirits by processors, including the applicable provisions of the following:

(1) Maximum Price Regulation No. 193.

(2) Orders Nos. 1 through 5 inclusive under Maximum Price Regulation No. 193:

Provided, That such maximum price regulations, orders and interpretations shall remain in force with respect to a particular sale of packaged domestic distilled spirits until provisions of this article become applicable thereto pursuant to section 3.7.

(h) *Price posting.* The processor shall post his maximum price for each item of packaged domestic distilled spirits to be sold or offered for sale to consumers by using the procedure provided in section 4.10 of Article IV for sales to consumers by processors of wines.

(i) *Affixing tax stamps.* No addition to a processor's maximum price established under this article shall be made for affixing federal strip stamps, State tax stamps, decalcomania insignia used in lieu of such State tax stamps, or any other stamps or insignia.

(j) *Maximum prices for individual containers.* The processor's maximum price for individual containers of an item to any class of customers shall be an amount determined by dividing his maximum price per case to a customer of the same class by the number of individual containers customarily packed in the case (see Appendix B for definition of case of quarts, fifths, tenths, pints and half-pints).

[Former paragraphs (f) through (k) redesignated (e) through (j) by Am. 15, effective 5-8-44]

Sec. 3.4 Inability to fix maximum prices. In any case where the processor is unable to establish a maximum price for a particular sale of an item of packaged domestic distilled spirits under other pricing provisions of this article, he shall establish a special maximum price by authorization in accordance with the provisions of Appendix F.

Sec. 3.5 Applicable taxes. In each instance taxes must be added to or included in a maximum price only in accordance with the specific conditions provided in each appendix to this article, and in accordance with the provisions of sections 7.2 and 7.3 of Article VII.

(a) Where pursuant to any of the provisions of this article an amount is required to be added for certain applicable taxes, the rates of such taxes must be applied only to the actual quantity packaged and sold. Taxes paid with respect to any quantity of distilled spirits lost in processing or otherwise cannot be added.

(b) For processors' sales of any item to a monopoly state, the amount of any tax which became effective after March 31, 1942, and which may be included in or added to the maximum price under the provisions of this article, shall be separately stated on the invoice issued in connection with each sale, or on a statement made in connection with any offer to sell.

(c) *License, income, franchise, receipts, gross receipts, sales, use or other similar federal, state or local taxes cannot be in-*

^{*} 8 F.R. 4325.

cluded in or added to a maximum price established under this article, except that in certain cases a sales tax or gross receipts tax may be charged in addition to a maximum price under the conditions provided in section 7.2 of Article VII.

[Former subparagraphs (1), (2) and (3) redesignated as paragraphs (a), (b) and (c); (c) amended by Am. 15, effective 5-8-44]

SEC. 3.6 Other provisions of this regulation applicable to sales for which maximum prices are established under this article. The following sections of Article VII of this regulation shall apply to sales for which maximum prices are established under this article:

Section 7.1 *Treatment of fractional parts of a cent in figuring maximum prices.*

Section 7.1a *Changes in case sizes.*

Section 7.2 *When a sales tax may be charged in addition to a maximum price.*

Section 7.2a *Treatment of brokers compensation.*

Section 7.3 *When new taxes, or increases in existing taxes may be added to a maximum price.*

Section 7.3a *Distribution of packaged distilled spirits or wine.*

Section 7.4 *Use of minimum resale prices under State Fair Trade Laws.*

Section 7.4a *Maximum prices for sellers for whom no specific provision is made.*

Section 7.5 *Adjustment of maximum prices for tax exempt sales to the United States or any agency thereof.*

Section 7.5a *Deposit charges on containers.*

Section 7.6 *Certain provisions of the General Maximum Price Regulation continued in effect.*

Section 7.6a *Licensing.*

Section 7.7 *Export sales.*

Section 7.7a *Compliance with other laws or regulations.*

Section 7.8 *Compliance with this regulation.*

Section 7.9 *Current records required.*

Section 7.10 *Petitions for amendment.*

Section 7.11 *Adjustable pricing in certain instances.*

Section 7.12 *Definitions.*

Section 7.13 *Geographical applicability.*

[References to Sections 7.1a, 7.2a, 7.4a, 7.5a, 7.6a and 7.7a added by Am. 15, effective 5-8-44]

SEC. 3.7 Dates on which this article shall apply. This article shall apply to all sales or offers to sell of items of packaged domestic distilled spirits by a processor on and after January 6, 1944, *Provided*, That with respect to sales of any item for which the processor is required or permitted to establish a special maximum price by authorization under Appendix F, if the processor files an application in accordance with Appendix F on or before January 21, 1944, the maximum price established for the item in accordance with Maximum Price Regulation No. 193 or other appropriate regulations or orders shall remain in force and effect until a special maximum price by authorization is established pursuant to Appendix F, or until May 21, 1944; notwithstanding the provisions of paragraph (e) (1) of Appendix F of Article III, in the case of applications for the establishment of special maximum prices by authorization filed prior to March 21, 1944, the maximum prices proposed in

such applications shall not be deemed authorized until May 21, 1944, unless an order establishing such maximum prices shall have been issued by the Price Administrator prior to March 21, 1944, or prior to May 21, 1944: *And provided further*, That this article shall not apply to any sale which the processor is required by statute, ordinance or regulation to make at a price posted or listed prior to the appropriate date referred to above, with a state or other public authority (if the price so posted or listed is greater or less than that established by this article for such sale) until on and after the first effective date for prices so posted or listed at the first opportunity following the fourth day after that date.

NOTE: In the following appendices the examples are offered for purposes of illustration only. The examples are not to be regarded as a substantive part of this regulation. They neither enlarge nor restrict the definitive provisions. The examples do not reflect the applicable amount of the increase effective April 1, 1944 in United States excise taxes.

[Sec. 3.7 amended by Am. 14, 9 FR. 3152, effective 3-21-44]

APPENDIX A—MARCH 1942 MAXIMUM PRICES

(a) *Rules for establishing maximum prices under Appendix A.* (1) A March 1942 maximum price is applicable only when the brand name, formula (including proof) and container size of the item are exactly the same as those for the item sold or offered for sale by the processor during March 1942.

(2) A March 1942 maximum price is applicable only to sales to customers of the same class as that to which the item was sold or offered for sale by the processor during March 1942. For sales of the item to customers of another class, a special maximum price by authorization must be established under Appendix F.

(3) A March 1942 maximum price is inapplicable to sales of any item of domestic whiskey bearing the same brand name as an item for which the processor has established a prescribed uniform maximum price under Appendix E.

(b) *Procedure for establishing March 1942 maximum prices.* The processor's March 1942 maximum price per case for sales of an item to customers of a particular class is the highest price per case at which the processor sold or offered to sell the same item during March 1942 to a customer of the same class, in accordance with the processor's March 1942 customer classifications, plus the applicable amount of any new or increased federal, state or local excise tax which became effective after March 31, 1942 and before November 3, 1942: *Provided*, That the amount of such tax imposed is actually paid or has accrued and become payable by the processor to the proper taxing authority or to any prior vendor.

NOTE: For addition of applicable excise taxes which became effective after November 2, 1942, see section 7.3 of Article VII.

See section 3.3 (c) for rules respecting customer classifications.

The March 1942 maximum price does not include any additions permitted under MPR No. 193 for the use of high wines. Adjustments permitted in such cases must be made under Appendix G.

APPENDIX B—CONVERTED MARCH 1942 MAXIMUM PRICES FOR CHANGES IN CONTAINER SIZES

(a) *Rules for establishing maximum prices under Appendix B.* (1) A converted March 1942 maximum price provided in this Appendix cannot be established for an item

in the same container size as that in which it was sold or offered for sale by the processor during March 1942.

(2) The conversion provided in this Appendix must be made from the processor's March 1942 maximum price for the largest container size of the item sold or offered for sale by the processor during March 1942 for which a conversion method is provided in this Appendix.

(3) The converted March 1942 maximum price is applicable only to sales to customers of the same class as that to which the base item was sold or offered for sale by the processor during March 1942.

(4) The converted March 1942 maximum price is applicable only where the container size sold or offered for sale by the processor during March 1942 and the container size to be priced are sizes covered in this Appendix. For conversions involving other sizes, a special maximum price by authorization must be established under Appendix F.

(5) The converted March 1942 maximum price is inapplicable to sales of any item of domestic whiskey bearing the same brand name as an item of domestic whiskey for which the processor has established a prescribed uniform maximum price provided in Appendix E.

(b) *Procedure for establishing converted March 1942 maximum prices.* The processor's converted March 1942 maximum price (for a change in container size) for sales of an item to customers of a particular class is the processor's March 1942 maximum price provided in Appendix A for the base item, adjusted for the change in container size as set forth below. The "base item" is an item of the same brand name and formula (including proof) in the largest container size (covered herein) sold or offered for sale during March 1942 to a customer of the same class, in accordance with the processor's March 1942 customer classifications.

(1) Subtract from the March 1942 maximum price per case for the base item the following charges included therein:

(i) The amount of any state or local tax (except a processing tax).

(ii) The amount of any freight or transportation charges, if the March 1942 maximum price for the base item is a delivered price.

(2) For a change from a case of quarts, pints or half-pints to a case of fifths or tenths:

(i) Subtract from the resulting figure in (1), in accordance with the container size of the base item, \$1.50 for quarts, \$2.10 for pints, or \$2.85 for half-pints;

(ii) Multiply the resulting figure in (i) by .80; and

(iii) Add to the resulting figure in (ii) the amount of \$1.50 if the size to be priced is fifths, \$2.10 if tenths.

(3) For a change from a case of fifths or tenths to a case of quarts, pints or half-pints:

(i) Subtract from the resulting figure in (1), in accordance with the container size of the base item, \$1.50 for fifths, or \$2.10 for tenths;

(ii) Multiply the resulting figure in (i) by 1.25; and

(iii) Add to the resulting figure in (ii) the amount of \$1.50 if the size to be priced is quarts, \$2.10 if pints, or \$2.85 if half-pints.

(4) Add to the resulting figure in subparagraphs (2) or (3), as the case may be, the following amounts:

(i) The applicable amount of freight or transportation charges, at rates in effect during March 1942, if the March 1942 maximum price for the base item is a delivered price, using the same method of calculating such charges that he used in figuring his delivered price during March 1942.

(ii) The applicable amount of any state or local excise tax at rates in effect on November 2, 1942; *Provided*, That the amount

of such tax imposed is actually paid or has accrued and become payable by the processor to the proper taxing authority or to any prior vendor.

The resulting figure is the converted March 1942 maximum price for the changed container size covered in subparagraphs (2) or (3), as the case may be.

(5) For a change from a case of quarts, pints or half-pints to a case of any of the other such container sizes:

(i) Subtract from the March 1942 maximum price for the base item the amount of freight or transportation charges included therein if such price is a delivered price.

(ii) Add to or subtract from the resulting figure in (i) the amount indicated in the table below for the container size to be priced.

From—	To quarts	To pints	To half-pints
Quarts.....		+\$.60	+\$1.35
Pints.....	-\$.60		+.75
Half-pints.....	-1.35	-.75	

(iii) Add the applicable amount of freight or transportation charges at rates in effect during March 1942, if the March 1942 maximum price for the base item is a delivered price, using the same method of calculating such charges that he used in figuring his delivered price during March 1942.

The resulting figure is the converted March 1942 maximum price for the changed container size covered in subparagraph (5).

(6) For a change from a case of fifths to a case of tenths, or for a change from a case of tenths to a case of fifths:

(i) Subtract from the March 1942 maximum price for the base item the amount of freight or transportation charges included therein if such price is a delivered price.

(ii) Subtract 60 cents from the resulting figure in (i) if the size to be priced is fifths, and add 60 cents to the resulting figure in (i) if the size to be priced is tenths.

(iii) Add the applicable amount of freight or transportation charges at rates in effect during March 1942, if the March 1942 maximum price for the base item is a delivered price, using the same method of calculating such charges that he used in figuring his delivered price during March 1942.

The resulting figure is the converted March 1942 maximum price for the changed container size covered in subparagraph (6).

(7) As used in this Appendix the term:

"Case of quarts" means a total quantity of 3 wine gallons of domestic distilled spirits packaged in 12 individual containers of one-fourth wine gallon each, all enclosed in a single carton or box.

"Case of fifths" means a total quantity of 2.4 wine gallons of domestic distilled spirits packaged in 12 individual containers of one-fifth wine gallon each, all enclosed in a single carton or box.

"Case of pints" means a total quantity of 3 wine gallons of domestic distilled spirits packaged in 24 individual containers of one-eighth wine gallon each, all enclosed in a single carton or box.

"Case of half-pints" means a total quantity of 3 wine gallons of domestic distilled spirits packaged in 48 individual containers of one-sixteenth wine gallon each, all enclosed in a single carton or box.

"Case of tenths" means a total quantity of 2.4 wine gallons of domestic distilled spirits packaged in 24 individual containers of one-tenth wine gallon each, all enclosed in a single carton or box.

(c) *Reports required to be filed.* On or before the date of making the first sale of an item at a converted March 1942 maximum

price established under this Appendix, the processor shall, by letter to the Office of Price Administration, Beverage Section, Washington, D. C., report the maximum price so established. The letter-report shall contain the following:

(1) The name and address of the processor filing the report.

(2) A statement that the report is filed under Appendix B to Article III of MPR 445.

(3) The brand name and container size of the item which is the subject of the report.

(4) The date upon which the processor filed OPA Form 635-232-A (brand name report required under Amendment No. 6 to MPR 193) for the base item used for the conversion made under this Appendix.

(5) The converted March 1942 maximum price for the item which is the subject of the report, and a statement showing the steps (similar to those illustrated by the examples) made by the processor to figure such price, in accordance with procedure provided in this Appendix.

(6) A list of all items of the same brand name and formula sold or offered for sale by the processor during March 1942.

Neither acceptance nor failure to act upon a letter-report filed under this paragraph shall constitute approval by the Office of Price Administration of the maximum prices so reported.

APPENDIX C—CONVERTED MARCH 1942 MAXIMUM PRICES FOR CHANGES IN PROOF ONLY

(a) *Rules for establishing maximum prices under Appendix C.* (1) The conversion provided in this Appendix is applicable only to items of domestic whiskey, domestic gin, domestic brandy and domestic rum. For items of any other classification in which the proof differs from that for the item sold or offered for sale during March 1942, the processor must establish a special maximum price by authorization under Appendix F.

(2) If the processor during March 1942 sold or offered for sale two or more items differing only with respect to proof or container size, a converted March 1942 maximum price in this Appendix cannot be established for those items.

(3) The conversion provided in this Appendix must be made from the processor's March 1942 maximum price for an item of the same brand name and formula (except for the difference in proof) at the highest degree of proof sold or offered for sale by the processor during March 1942.

(4) The converted March 1942 maximum price is applicable only to sales to customers of the same class as that to which the base item was sold or offered for sale by the processor during March 1942.

(5) The converted March 1942 maximum price established under this Appendix is inapplicable to sales of any item of domestic whiskey bearing the same brand name as an item for which the processor has established a prescribed uniform maximum price provided in Appendix E.

(b) *Procedures for establishing converted March 1942 maximum prices.* The processor's converted March 1942 maximum price per case (for a change in proof) for sales of an item to customers of a particular class is the processor's March 1942 maximum price provided in Appendix A for the base item, adjusted for the change in proof as set forth below. The "base item" is an item of the same brand name, container size and formula (except for a difference in proof) at the highest degree of proof sold or offered for sale by the processor during March 1942 to a customer of the same class, in accordance with the processor's March 1942 customer classifications.

(c) In any instance where the container size of the item to be priced differs from that of the base item in paragraph (b), the processor's March 1942 maximum price for the

base item shall first be adjusted under Appendix B for the difference in container size, and the converted March 1942 maximum price for the item in such changed container size shall then be adjusted for the change in proof as follows:

(1) Subtract from the March 1942 maximum price in paragraph (b) or from the converted March 1942 maximum price in paragraph (c), as the case may be, the following charges included therein:

(i) The amount of federal rectification tax;

(ii) The amount of any state or local tax (except a processing tax); and

(iii) The amount of any freight or transportation charges if the price in (a) or (b) is a delivered price.

(2) Subtract from the resulting figure in subparagraph (1) the amount of \$1.50 if quarts or fifths are to be priced; \$2.10 if pints or tenths, or \$2.85 if half-pints.

(3) Figure the cost per degree of proof by dividing the resulting figure in subparagraph (2) by the number of degrees of proof of the formula of the base item. (This computation must be carried to four decimal places).

(4) Multiply the resulting figure in subparagraph (3) by the number of degrees of proof of the formula of the item to be priced.

(5) Add to the resulting figure in subparagraph (4) the following amounts:

(i) The amount of casing cost subtracted in subparagraph (2).

(ii) The applicable amount of freight or transportation charges, at rates in effect during March 1942, if the price in paragraphs (b) or (c) is a delivered price, using the same method of calculating such charges that he used in figuring his delivered price during March 1942.

(iii) The applicable amount of any state or local excise tax at rates in effect on November 2, 1942, and the applicable amount of federal rectification tax at rates in effect on November 2, 1942; *Provided*, That the amount of such taxes imposed are actually paid or have accrued and become payable by the processor to the proper taxing authority or to any prior vendor.

The resulting figure is the converted March 1942 maximum price for the change in proof, or for the change in container size and proof, as the case may be.

(d) *Reports required to be filed.* On or before the date of making the first sale of an item at a converted March 1942 maximum price established under this Appendix, the processor shall, by letter to the Office of Price Administration, Beverage Section, Washington, D. C., report the maximum price so established. The letter-report shall contain the following:

(1) The name and address of the processor filing the report.

(2) A statement that the report is filed under Appendix C to Article III of MPR 445.

(3) The brand name, container size and proof of the item which is the subject of the report.

(4) The date upon which the processor filed OPA Form 635-232-A (brand name report required under Amendment No. 6 to MPR 193) for the base item used for the conversion made under this Appendix.

(5) The converted March 1942 maximum price for the item which is the subject of the report, and a statement showing the steps (similar to those illustrated by the examples) made by the processor to figure such price, in accordance with procedure provided in this Appendix.

(6) A list of all items of the same brand name sold or offered for sale by the processor during March 1942.

Neither acceptance nor failure to act upon a letter-report filed under this paragraph shall constitute approval by the Office of Price Administration of the maximum prices so reported.

APPENDIX D—CONVERTED MARCH 1942 MAXIMUM PRICES FOR CHANGES IN FORMULAE OTHER THAN PROOF

(a) *Rules for establishing maximum prices under Appendix D.* (1) The conversion provided in this Appendix is applicable only to items of domestic whiskey, except items containing malt whiskey. For items of all other classifications including items of domestic whiskey which contain malt whiskey, in which the formula (other than proof) differs from that for the item sold or offered for sale by the processor during March 1942, the processor must establish a special maximum price by authorization under Appendix F.

(2) The converted March 1942 maximum price is inapplicable to sales of any item of domestic whiskey bearing the same brand name as an item for which the processor has elected to establish a prescribed uniform maximum price provided in Appendix E.

(3) The conversion provided in this Appendix must be made from the processor's March 1942 maximum price for an item of the same brand name as that to be priced.

(4) The converted March 1942 maximum price established under this Appendix is applicable only to sales to customers of the same class as that to which the base item was sold or offered for sale by the processor during March 1942.

(5) The converted March 1942 maximum price established under this Appendix is applicable only where the new formula replaces the formula used as the base for the conversion. The processor cannot continue to sell both the item of the base formula at the March 1942 maximum price or the converted March 1942 maximum price for other changes and the item of the new formula at the converted March 1942 maximum price established under this Appendix. Where he desires to sell items of both formulae each such item must be priced under Appendix E by establishing prescribed uniform maximum prices, and all other items of domestic whiskey bearing the same brand name must also be priced under Appendix E.

(6) In computing whiskey costs under the methods provided in this Appendix, the age used for the computation shall be the age shown on the labels, and for blends, where the respective ages are not separately stated on the labels, the age of the youngest whiskey in the blend as stated on the labels. "Bottled in bond" domestic whiskey shall be deemed to be four years of age where no age statement appears on the labels.

(b) *Procedures for establishing converted March 1942 maximum prices.* The converted March 1942 maximum price (for a change in formula other than proof) for sales of an item to customers of a particular class is the processor's March 1942 maximum price provided in Appendix A for the base item, adjusted for the change in formula (other than proof) as set forth below. The "base item" is an item of domestic whiskey of the same brand name sold or offered for sale by the processor during March 1942 to a customer of the same class, in accordance with the processor's March 1942 customer classifications.

(c) In any instance where either or both the container size and proof of the item to be priced differ from that of the base item in paragraph (b), the March 1942 maximum price for such base item shall first be adjusted under Appendix B for the difference in container size, if any, and second, under Appendix C for the difference in proof, if any. The converted March 1942 maximum price for the altered base item, in accordance with either or both of such changes, shall then be adjusted for the other changes in formula as follows:

(d) Subtract from the March 1942 maximum price in paragraph (b) or from the con-

verted March 1942 maximum price in paragraph (c), as the case may be, the amount of federal rectification tax, if any, included in such price.

(e) Ascertain from Table I the cost of the whiskey or the cost of the whiskey and neutral spirits, as the case may be, both per case of the base item in paragraph (b) or of the altered base item in paragraph (c), and per case of the item to be priced, as follows:

(1) *Formulae composed entirely of whiskey of one age.* (i) Multiply the cost of the whiskey, as determined from Table I, in accordance with the age and container size of the item, by the percentage of proof of the item. The resulting figure is the cost of the whiskey for the particular formula and container size.

(ii) Determine the amount of the difference between the cost for the formula of the item to be priced and the cost for the formula of the base item in paragraph (b) or the altered base item in paragraph (c), as the case may be.

(iii) Adjust the resulting figure in paragraph (d) above as follows:

(a) Where the amount of the cost for the formula of the item to be priced is greater than the amount of the cost for the formula of the base item or the altered base item, as the case may be, add the amount of the difference between the respective costs to the resulting figure in paragraph (d).

(b) Where the amount of the cost for the formula of the item to be priced is less than the amount of the cost for the formula of the base item or the altered base item as the case may be, subtract the amount of the difference between the respective costs from the resulting figure in paragraph (d).

(c) Add to the resulting figure in (a) or (b), as the case may be, the applicable amount of federal rectification tax, if any, for the item to be priced: *Provided*, That the amount of such tax is actually paid or has accrued and become payable by the processor to the proper taxing authority or to any prior vendor.

The resulting figure is the converted March 1942 maximum price for a change in formula (other than proof), or for a change in either or both the container size and formula (including proof), as the case may be.

(2) *Formulae composed entirely of whiskey of more than one age.* (i) Multiply the cost for each age of whiskey in the formula of the item, as determined from Table I, by the percentage of whiskey of such cost present in the formula, and determine the total of such computations.

(ii) Multiply the resulting figure in (i) by the percentage of proof of the item.

(iii) Determine the amount of the difference between the cost for the formula of the item to be priced and the cost for the formula of the base item in paragraph (b) or the altered base item in paragraph (c), as the case may be.

(iv) Adjust the resulting figure in paragraph (d) as follows:

(a) Where the amount of the cost for the formula of the item to be priced is greater than the amount of the cost for the formula of the base item or the altered base item, as the case may be, add the amount of the difference between the respective costs to the resulting figure in paragraph (d).

(b) Where the amount of the cost for the formula of the item to be priced is less than the amount of the cost for the formula of the base item or the altered base item, as the case may be, subtract the amount of the difference between the respective costs from the resulting figure in paragraph (d).

(c) Add to the resulting figure in (a) or (b), as the case may be, the applicable amount of federal rectification tax, if any,

for the item to be priced: *Provided*, That the amount of such tax is actually paid or has accrued and become payable by the processor to the proper taxing authority or to any prior vendor.

The resulting figure is the converted March 1942 maximum price for a change in formula (other than proof), or for a change in either or both the container size and formula (including proof), as the case may be.

(3) *Formulae composed of both whiskey and neutral spirits.* (i) Multiply the cost for each age of whiskey in the formula of the item, as determined from Table I, by the percentage of whiskey of such cost present in the formula.

(ii) Multiply the cost for neutral spirits in the formula of the item, as determined from Table I, by the percentage of neutral spirits present in the formula.

(iii) Determine the total of the resulting figures in (i) and (ii), and multiply the figure so obtained by the percentage of proof of the item.

The resulting figure is the cost of the whiskey and neutral spirits for the particular formula and container size.

(iv) Determine the amount of the difference between the cost for the formula of the item to be priced and the cost for the formula of the base item in paragraph (b) or the altered base item in paragraph (c), as the case may be.

(v) Adjust the resulting figure in paragraph (d) as follows:

(a) Where the amount of the cost for the formula of the item to be priced is greater than the amount of the cost for the formula of the base item or altered base item, as the case may be, add the amount of the difference between the respective costs to the resulting figure in paragraph (d).

(b) Where the amount of the cost for the formula of the item to be priced is less than the amount of the cost for the formula of the base item or the altered base item, as the case may be, subtract the amount of the difference between the respective costs from the resulting figure in paragraph (d).

(c) Add to the resulting figure in (a) or (b), as the case may be, the applicable amount of federal rectification tax, if any, for the item to be priced: *Provided*, That the amount of such tax is actually paid or has accrued and become payable by the processor to the proper taxing authority or to any prior vendor.

The resulting figure is the converted March 1942 maximum price for a change in formula (other than proof), or for a change in either or both the container size and formula (including proof), as the case may be.

(f) *Reports required to be filed.* On or before the date of making the first sale of an item at a converted March 1942 maximum price established under this Appendix, the processor shall, by letter to the Office of Price Administration, Beverage Section, Washington, D. C., report the maximum price so established. The letter-report shall contain the following:

(1) The name and address of the processor filing the report.

(2) A statement that the report is filed under Appendix D to Article III of MPR 445.

(3) The brand name, container size and formula of the item which is the subject of the report. (Attach front and back labels to letter-report.)

(4) The date upon which the processor filed OPA Form 635-232-A (brand name report required under Amendment No. 6 to MPR 193) for the base item used for the conversion made under this Appendix.

(5) The converted March 1942 maximum price for the item which is the subject of the report, and a statement showing the

steps (similar to those illustrated by the examples) made by the processor to figure such price, in accordance with procedure provided in this Appendix.

(6) A list of all items of the same brand name sold or offered for sale by the processor during March 1942.

Neither acceptance nor failure to act upon a letter-report filed under this paragraph shall constitute approval by the Office of Price Administration of the maximum prices so reported.

TABLE I—COSTS OF DOMESTIC STRAIGHT WHISKEY AND NEUTRAL SPIRITS

Age in months		Domestic whiskey cost at 80° proof		Neutral spirits cost at 100° proof	
More than	Not more than	3 gallon case of qts., pts. or half pts.	2.4 gallon case of fifths	3 gallon case of qts., pts. or half pts.	2.4 gallon case of fifths
9	9	\$2.463	\$1.570	\$1.95	\$1.56
15	15	2.946	2.356	1.95	1.56
21	21	3.462	2.769	1.95	1.56
27	27	3.969	3.175	1.95	1.56
33	33	4.500	3.600	1.95	1.56
39	39	5.022	4.017	1.95	1.56
45	45	5.532	4.425	1.95	1.56
51	51	6.072	4.857	1.95	1.56
57	57	6.600	5.280	1.95	1.56
63	63	7.077	5.661	1.95	1.56
69	69	7.559	6.031	1.95	1.56
75	75	8.028	6.422	1.95	1.56
81	81	8.550	6.840	1.95	1.56
87	87	9.105	7.284	1.95	1.56
93	93	9.348	7.473	1.95	1.56
99	99	9.600	7.680	1.95	1.56

[Box head as amended by Am. 15, effective 5-8-44]

APPENDIX E—PRESCRIBED UNIFORM MAXIMUM PRICES

(a) *Rules for establishing maximum prices under Appendix E.* (1) The prescribed uniform maximum price provided in this Appendix is applicable only to items of domestic whiskey (not including items containing malt whiskey). All other classifications of domestic distilled spirits (including malt whiskey) must be priced under other applicable provisions of Article III.

(2) All items of domestic whiskey of a brand name not sold or offered for sale by the processor during March 1942 must be priced under this Appendix. Any item of domestic whiskey, whether or not sold or offered for sale by the processor during March 1942 may be priced under this Appendix. However, after once making a sale of an item of domestic whiskey at a prescribed uniform maximum price provided in this Appendix, maximum prices for all sales thereafter of any item of domestic whiskey bearing the same brand name, under any formula or in any container size, must be established under this Appendix.

(3) Any change whatsoever in the brand name of an item of domestic whiskey sold or offered for sale by the processor during March 1942 shall be deemed to be a new brand name, and the item so changed must be priced under this Appendix.

(4) Prescribed uniform maximum prices are applicable only to the particular classes of customers specified in this Appendix. For all other classes of customers a special maximum price by authorization must be established under Appendix F.

(5) In computing prices under the methods provided in this Appendix, the age of the whiskey in the formula shall be the age shown on the labels, and for blends, where the respective ages are not separately stated on the labels, the age of the youngest whiskey in the blend as stated on the labels. "Bottled in bond" domestic whiskey shall be deemed, to be four years of age where no age statement appears on the labels.

(b) *Procedures for establishing prescribed uniform maximum prices.*

The processor's maximum price per case, for sales of an item of packaged domestic whiskey to customers of the classes specified below, shall be the *prescribed uniform maximum price* determined as follows:

(1) *Processors' sales to wholesalers and monopoly states.*

(i) *Formulae composed entirely of whiskey of one age.*

(a) Ascertain from Table II the applicable maximum price per case of quarts or fifths, respectively, in accordance with the age of the whiskey in the formula, at 80° proof.

NOTE: Table II prices are shown only at 80° proof in quarts and fifths. They are completed prices for items at 80° proof in quarts and fifths, except for applicable state and local taxes for which see (d) below.

(b) Where the proof of the item to be priced is greater than 80°, ascertain from Table II the applicable proof adjustment figure in accordance with the age of the whiskey in the formula and the container size, and multiply such proof adjustment figure by a figure equal to the difference between 80 and the number of degrees of proof of the item to be priced. Add the resulting figure to the amount determined in (a).

(c) Where the container sizes to be priced are either pints or half-pints, add to the resulting figure in (b) per case of quarts \$6.00 if pints are to be priced, and \$1.35 if half-pints.

(d) Where state or local excise taxes apply, add to the figure obtained in (a), (b) or (c), as the case may be, the applicable amount of any state or local excise tax in effect on November 2, 1942; *Provided*, That the amount of such tax imposed is actually paid or has accrued and become payable by the processor to the proper taxing authority or to any prior vendor; *And provided further*, That the amount of such tax once so added shall not again be added to the maximum prices established under subparagraphs (2), (3) and (4) of this paragraph (b).

The resulting figure in (a), (b), (c) or (d), as the case may be, is the processor's *prescribed uniform maximum price* f. o. b. bottling plant, for sales to wholesalers and monopoly states of an item of packaged domestic whiskey where the formula of the item is composed entirely of whiskey of one age.

NOTE: The maximum prices so figured include applicable Federal, state or local excise taxes through November 2, 1942. The increases effective April 1, 1944 in Federal excise taxes, or new or increased state or local excise taxes not otherwise included in the prescribed uniform maximum price, may be added to that price in accordance with section 7.3.

(ii) *Formulae composed entirely of whiskey of more than one age.*

(a) Ascertain the weighted average age of the whiskey in the formula by multiplying the percentage of each age of whiskey in the formula by the age (in months) of such whiskey, and determine the total of such computations.

Whiskey over 96 months old shall be deemed 96 months old for the purpose of this computation.

[Above sentence added by Am. 15, effective 5-8-44]

The resulting figure is the weighted average age of the whiskey in the formula.

NOTE: Where the label of the item contains no age specification other than a statement of the youngest age in the blend compute whiskey cost in (b) on the basis of the youngest age as stated on the label. In such case, weighted average age must not be computed.

(b) Ascertain from Table II the applicable maximum price per case of quarts or fifths, respectively, in accordance with the weighted average age of the whiskey in the formula, at 80° proof.

(c) Where the proof of the item to be priced is greater than 80°, ascertain from Table II the applicable proof adjustment figure in accordance with the weighted average or youngest age of the whiskey in the formula and the container size, and multiply such proof adjustment figure by a figure equal to the difference between 80 and the number of degrees of proof of the formula to be priced. Add the resulting figure to the amount determined in (b).

(d) Where the container sizes to be priced are either pints or half-pints, add to the resulting figure in (c) per case of quarts \$6.00 if pints are to be priced, and \$1.35 if half-pints.

(e) Where federal rectification or state or local taxes apply, add to the figure obtained in (b), (c), or (d), as the case may be, the applicable amount of federal rectification tax in effect on November 2, 1942, and the applicable amount of any state or local excise tax in effect on November 2, 1942; *Provided*, That the amount of such taxes imposed are actually paid or have accrued and become payable by the processor to the proper taxing authority or to any prior vendor; *and provided further*, that the amount of such taxes once so added shall not again be added to the maximum prices established under subparagraphs (2), (3) and (4) of this paragraph (b).

The resulting figure, (b), (c), (d) or (e), as the case may be, is the processor's *prescribed uniform maximum price* f. o. b. bottling plant for sales to wholesalers and monopoly states of an item of packaged domestic whiskey where the formula of the item is composed entirely of whiskey of more than one age.

NOTE: The maximum prices so figured include applicable Federal, state or local excise taxes through November 2, 1942. The increases effective April 1, 1944 in Federal excise taxes, or new or increased state or local excise taxes not otherwise included in the prescribed uniform maximum price, may be added to that price in accordance with section 7.3.

(iii) *Formulae composed of both whiskey and neutral spirits.*

(a) Ascertain the weighted average age of the whiskey in the formula by multiplying the percentage of each age of whiskey in the formula by the age (in months) of such whiskey; determine the total of the figures so obtained; and divide that total by the total percentage of whiskey in the formula.

Whiskey over 96 months old shall be deemed 96 months old for the purpose of this computation.

[Above sentence added by Am. 15, effective 5-8-44]

The resulting figure is the weighted average age of the whiskey in the formula.

NOTE: Where the label of the item contains no age specification other than a statement of the youngest age in the blend, compute cost in (b) on the basis of the youngest age as stated on the label. In such case, weighted average age must not be computed.

(b) Ascertain from Table III the applicable maximum price per case of quarts at 80° proof, or from Table IV the applicable maximum price per case of fifths at 80° proof, in accordance with the weighted average or youngest age of the whiskey and the percentage of neutral spirits in the formula.

(c) Where the proof of the items to be priced is greater than 80°, ascertain from Table III (for quarts) or from Table IV (for fifths) the applicable proof adjustment figure in accordance with the weighted average or youngest age of the whiskey and the percentage of neutral spirits in the formula,

and multiply such proof adjustment figure by a figure equal to the difference between 80 and the number of degrees of proof of the item to be priced. Add the resulting figure to the amount determined in (b).

(d) Where the container sizes to be priced are either pints or half-pints, add to the resulting figure in (c) per case of quarts \$.60 if pints are to be priced, and \$1.35 if half-pints.

(e) Where state or local excise taxes apply, add to the resulting figure in (b), (c) or (d), as the case may be, the applicable amount of any state or local excise tax in effect on November 2, 1942; *Provided*, That the amount of such tax imposed is actually paid or has accrued and become payable by the processor to the proper taxing authority; or to any prior vendor; and *provided further*, that the amount of such tax once so added shall not again be added to the maximum prices established under subparagraphs (2), (3) and (4) of this paragraph (b).

The resulting figure is the processor's *prescribed uniform maximum price* f. o. b. bottling plant for sales to wholesalers and monopoly states of an item of packaged domestic whiskey where the formula of the item is composed of both whiskey and neutral spirits.

NOTE: The maximum prices so figured include applicable Federal, state or local excise taxes through November 2, 1942. The increases effective April 1, 1944 in Federal excise taxes, or new or increased state or local excise taxes not otherwise included in the prescribed uniform maximum price, may be added to that price in accordance with section 7.3.

(2) *Processors' sales to primary distributing agents.* The processor's *prescribed uniform maximum price* per case, f. o. b. bottling plant, for sales to primary distributing agents shall be the processor's *prescribed uniform maximum price* per case f. o. b. bottling plant, for sales of the item to wholesalers and monopoly states (determined as provided in subparagraph (1) above), subject to any discount, allowance or price differential agreed upon by the particular processor and primary distributing agent.

NOTE: The maximum prices so figured include applicable Federal, state or local excise taxes through November 2, 1942. The increases effective April 1, 1944 in Federal excise taxes, or new or increased state or local excise taxes not otherwise included in the prescribed uniform maximum price may be added to that price in accordance with section 7.3.

(3) Processors' sales to retailers.

(1) *Sales of items shipped directly to the retailer's premises from the bottling plant.* The processor's *prescribed uniform maximum price* per case for sales of an item shipped directly to the retailer's premises from the bottling plant shall be figured by the processor as follows:

(a) Determine the prescribed uniform maximum price per case f. o. b. bottling plant, in accordance with subparagraph (1) above, for his sales of the item to wholesalers and monopoly states (excluding, however, the increase effective April 1, 1944, in Federal excise taxes, or new or increased state or local excise taxes effective after November 2, 1942).

(b) Add to the figure so obtained the applicable amount of any state or local excise tax at rates in effect on November 2, 1942: *Provided*, That the amount of such tax is actually paid by the processor.

(c) Multiply the resulting figure in (b) by the percentage markup provided in section 5.4 (b) (1) (i) of Article V for sales of packaged distilled spirits by wholesalers to retailers.

(d) Add to the resulting figure in (c) the actual amount of transportation charges paid by the processor if such charges are prepaid by him.

The resulting figure in (c) or (d), as the case may be, is the processor's *prescribed uniform maximum price* per case for sales of an item shipped directly to the retailer's premises from the bottling plant.

NOTE: The maximum prices so figured include applicable Federal, state or local excise taxes through November 2, 1942. The increases effective April 1, 1944, in Federal excise taxes, or new or increased state or local excise taxes not otherwise included in the prescribed uniform maximum price, may be added to that price in accordance with section 7.3.

(1) *Sales of items shipped to the retailer's premises from the processor's zone warehouse.* The processor's *prescribed uniform maximum price* for sales of an item shipped to the retailer's premises from the processor's zone warehouse shall be figured by the processor as follows:

(a) Determine the prescribed uniform maximum price per case f. o. b. bottling plant, in accordance with subparagraph (1) above, for his sales of the item to wholesalers and monopoly states (excluding, however, the increase effective April 1, 1944, in Federal excise taxes, or new or increased state or local excise taxes effective after November 2, 1942).

(b) Add to the figure so obtained the actual amount of transportation charges paid by the processor for shipment from the bottling plant to his zone warehouse. No amount shall be included for local hauling, loading, unloading, drayage or other handling.

(c) Add the resulting figure in (b), the applicable amount of any state or local excise tax at rates in effect on November 2, 1942: *Provided*, That the amount of such tax is actually paid by the processor.

(d) Multiply the resulting figure in (c) by the percentage markup provided in section 5.4 (b) (1) (i) of Article V for sales of packaged distilled spirits by wholesalers to retailers.

The resulting figure in (d) is the processor's *prescribed uniform maximum price* per case, delivered to the retailer's premises, for his sales of an item to a retailer located within the metropolitan area of the processor's zone warehouse, and it is also the processor's *prescribed uniform maximum price* per case, f. o. b. zone warehouse, for sales of an item to a retailer located outside of the metropolitan area of such warehouse.

NOTE: The maximum prices so figured include applicable Federal, state or local excise taxes through November 2, 1942. The increases effective April 1, 1944, in Federal excise taxes, or new or increased state or local excise taxes not otherwise included in the prescribed uniform maximum price, may be added to that price in accordance with section 7.3.

(4) *Processor's sales to consumers.* The processors' prescribed uniform maximum price provided in subparagraph (1) for sales of the item to wholesalers and monopoly states (excluding, however, the increase effective April 1, 1944, in Federal excise taxes, or new or increased state or local excise taxes effective after November 2, 1942) plus the additions provided in section 5.3 (b) (2) and (3) (1) of Article V and the total thereof multiplied by the percentage markup provided in section 5.5 (b) (1) (i) of Article V for sales of packaged domestic distilled spirits by retailers to consumers, shall be the processors' prescribed uniform maximum price for sales of the item to consumers.

NOTE: The maximum prices so figured include applicable Federal, state or local excise taxes through November 2, 1942. The increases effective April 1, 1944 in Federal excise taxes, or new or increased state or local excise taxes not otherwise included in the prescribed uniform maximum price, may be added to that price in accordance with section 7.3.

(c) *Reports required to be filed.* On or before the date of making the first sale of an item at a *prescribed uniform maximum price* established under this Appendix, the processor shall, by letter to the Office of Price Administration, Beverage Section, Washington, D. C., report the maximum price so established. The letter-report shall contain the following:

(1) The name and address of the processor filing the report.

(2) A statement that the report is filed under Appendix E to Article III of MPR 445.

(3) The brand name, container size and formula of the item which is the subject of the report. (Attach front and back labels to letter-report.)

(4) The *prescribed uniform maximum price* for the item which is the subject of the report, and a statement showing the steps (similar to those illustrated by the examples) made by the processor to figure such price, in accordance with procedures provided in this Appendix.

(5) A list of all items of the same brand name sold or offered for sale by the processor during March 1942, if any.

Neither acceptance nor failure to act upon a letter-report filed under this paragraph shall constitute approval by the Office of Price Administration of the maximum prices so reported.

TABLE II—PROCESSORS' MAXIMUM PRICES FOR FORMULAE COMPOSED ENTIRELY OF WHISKY

Age in months		3 gallon case of quarts		2.4 gallon case of fifths	
More than	Not more than	Maximum price at 80° proof	Adjustment per degree of proof	Maximum price at 80° proof	Adjustment per degree of proof
-----	9	\$19.70	\$0.228	\$16.05	\$0.182
9	15	20.14	0.233	16.41	0.185
15	21	20.61	0.239	16.79	0.191
21	27	21.07	0.245	17.19	0.199
27	33	21.56	0.251	17.65	0.201
33	39	22.03	0.257	18.02	0.205
39	45	22.50	0.263	18.30	0.210
45	51	22.99	0.269	18.69	0.215
51	57	23.47	0.275	19.03	0.220
57	63	23.91	0.280	19.43	0.224
63	69	24.33	0.285	19.78	0.224
69	75	24.78	0.291	20.12	0.233
75	81	25.25	0.297	20.50	0.239
81	87	25.70	0.303	20.91	0.243
87	93	25.98	0.306	21.03	0.245
93	-----	26.21	0.309	21.27	0.247

NOTE.—The prices in this table include Federal excise taxes at rates in effect on November 2, 1942. These prices do not include either the Federal rectification tax or any State or local taxes. See paragraph (d) for computation of increase effective April 1, 1944 in United States excise taxes.

[Box head as amended by Am. 15, effective 5-8-44]

(d) *Determining amount of increase effective April 1, 1944 in Federal excise taxes.* The amount of the increase effective April 1, 1944, in Federal excise taxes which a processor may add to prescribed uniform maximum prices determined under this Appendix shall, in each instance, be figured by multiplying \$3.00 by the number of proof gallons in the case being priced.

TABLE III—PROCESSORS' MAXIMUM PRICES FOR FORMULAE COMPOSED OF BOTH WHISKEY AND NEUTRAL SPIRITS, QUARTS ONLY

Weighted average age of whiskey		Percentage of neutral spirits												
More than—	Not more than—	More than 32.5 Not more than 37.5	37.5 42.5	42.5 47.5	47.5 52.5	52.5 57.5	57.5 62.5	62.5 67.5	67.5 72.5	72.5 77.5	77.5 82.5	82.5 87.5	87.5 92.5	92.5 97.5
9 Mo.	80°	22.02	22.00	21.97	21.85	21.63	21.00	21.83	21.85	21.83	21.81	21.78	21.75	21.73
	P. A.	0.2565	0.2563	0.2569	0.2559	0.2554	0.2550	0.2548	0.2544	0.2541	0.2539	0.2535	0.2533	0.2529
9	15	22.31	22.27	22.22	22.17	22.13	22.08	22.03	21.99	21.94	21.90	21.85	21.80	21.76
	P. A.	0.2501	0.2500	0.2500	0.2503	0.2500	0.2503	0.2500	0.2501	0.2503	0.2500	0.2504	0.2503	0.2503
15	21	22.62	22.55	22.48	22.41	22.34	22.27	22.20	22.13	22.06	21.99	21.92	21.85	21.73
	P. A.	0.2540	0.2531	0.2523	0.2514	0.2505	0.2496	0.2488	0.2479	0.2470	0.2461	0.2453	0.2444	0.2435
21	27	22.93	22.84	22.74	22.65	22.56	22.46	22.37	22.27	22.18	22.09	21.99	21.90	21.80
	P. A.	0.2579	0.2568	0.2555	0.2544	0.2533	0.2520	0.2509	0.2499	0.2489	0.2479	0.2461	0.2450	0.2438
27	33	23.25	23.13	23.02	22.90	22.78	22.66	22.54	22.42	22.30	22.18	22.07	21.95	21.83
	P. A.	0.2719	0.2704	0.2690	0.2675	0.2660	0.2645	0.2630	0.2615	0.2600	0.2585	0.2571	0.2556	0.2541
33	39	23.57	23.42	23.28	23.14	23.00	22.85	22.71	22.57	22.42	22.28	22.14	22.00	21.85
	P. A.	0.2759	0.2740	0.2723	0.2705	0.2688	0.2670	0.2651	0.2634	0.2615	0.2598	0.2580	0.2562	0.2544
39	45	23.88	23.71	23.54	23.38	23.21	23.04	22.88	22.71	22.54	22.38	22.21	22.04	21.88
	P. A.	0.2798	0.2776	0.2755	0.2735	0.2714	0.2693	0.2673	0.2651	0.2630	0.2610	0.2589	0.2567	0.2548
45	51	24.20	24.01	23.82	23.63	23.44	23.24	23.05	22.85	22.67	22.48	22.29	22.09	21.90
	P. A.	0.2838	0.2814	0.2790	0.2769	0.2743	0.2718	0.2691	0.2670	0.2645	0.2623	0.2599	0.2574	0.2550
51	57	24.52	24.31	24.09	23.87	23.65	23.41	23.22	23.01	22.79	22.58	22.36	22.14	21.93
	P. A.	0.2878	0.2851	0.2824	0.2798	0.2770	0.2743	0.2715	0.2689	0.2661	0.2635	0.2608	0.2580	0.2554
57	63	24.81	24.57	24.33	24.09	23.85	23.62	23.38	23.14	22.90	22.66	22.43	22.19	21.95
	P. A.	0.2914	0.2884	0.2854	0.2824	0.2795	0.2765	0.2735	0.2705	0.2675	0.2645	0.2616	0.2586	0.2556
63	69	25.09	24.83	24.57	24.31	24.05	23.79	23.53	23.27	23.01	22.75	22.49	22.23	21.97
	P. A.	0.2949	0.2916	0.2884	0.2851	0.2819	0.2786	0.2754	0.2721	0.2689	0.2656	0.2624	0.2591	0.2559
69	75	25.38	25.10	24.82	24.54	24.25	23.97	23.69	23.41	23.12	22.84	22.56	22.28	21.99
	P. A.	0.2985	0.2950	0.2915	0.2880	0.2844	0.2809	0.2774	0.2739	0.2703	0.2668	0.2633	0.2598	0.2561
75	81	25.70	25.39	25.09	24.78	24.47	24.17	23.85	23.53	23.23	22.94	22.63	22.32	21.99
	P. A.	0.3025	0.2986	0.2949	0.2910	0.2871	0.2834	0.2795	0.2756	0.2719	0.2680	0.2641	0.2603	0.2565
81	87	26.04	25.70	25.37	25.04	24.71	24.37	24.04	23.71	23.37	23.04	22.71	22.38	22.04
	P. A.	0.3068	0.3025	0.2984	0.2943	0.2901	0.2859	0.2818	0.2776	0.2734	0.2693	0.2651	0.2610	0.2563
87	93	26.18	25.84	25.50	25.15	24.81	24.46	24.12	23.77	23.43	23.09	22.74	22.40	22.05
	P. A.	0.3085	0.3043	0.3000	0.2956	0.2914	0.2870	0.2823	0.2784	0.2741	0.2699	0.2655	0.2613	0.2579
93	---	26.34	25.98	25.62	25.27	24.91	24.55	24.20	23.85	23.49	23.13	22.78	22.42	22.07
	P. A.	0.3105	0.3060	0.3015	0.2971	0.2929	0.2883	0.2833	0.2794	0.2749	0.2704	0.2660	0.2615	0.2571

*P. A. = Proof adjustment (adjustment per degree of proof).

NOTE: The prices in this table include Federal excise and rectification taxes at rates in effect November 2, 1942. These prices do not include any State or local taxes. See paragraph (d) for computation of increase effective April 1, 1944, in United States excise taxes.

TABLE IV—PROCESSORS' MAXIMUM PRICES FOR FORMULAE COMPOSED OF BOTH WHISKEY AND NEUTRAL SPIRITS, FIFTHS ONLY

Weighted average age of whiskey		Percentage of neutral spirits												
More than—	Not more than—	More than 32.5 Not more than 37.5	37.5 42.5	42.5 47.5	47.5 52.5	52.5 57.5	57.5 62.5	62.5 67.5	67.5 72.5	72.5 77.5	77.5 82.5	82.5 87.5	87.5 92.5	92.5 97.5
9 Mo.	80°	17.92	17.90	17.88	17.80	17.84	17.82	17.69	17.73	17.75	17.74	17.73	17.70	17.68
	P. A.	0.2033	0.2030	0.2048	0.2045	0.2043	0.2040	0.2033	0.2035	0.2033	0.2030	0.2028	0.2025	0.2023
9	15	18.15	18.12	18.08	18.03	18.00	17.96	17.93	17.89	17.85	17.82	17.78	17.74	17.71
	P. A.	0.2081	0.2078	0.2073	0.2065	0.2063	0.2058	0.2054	0.2049	0.2044	0.2040	0.2035	0.2030	0.2026
15	21	18.40	18.34	18.29	18.23	18.17	18.12	18.06	18.01	17.95	17.89	17.84	17.78	17.72
	P. A.	0.2113	0.2105	0.2099	0.2091	0.2084	0.2078	0.2070	0.2064	0.2056	0.2049	0.2043	0.2035	0.2028
21	27	18.64	18.57	18.49	18.42	18.34	18.27	18.19	18.12	18.04	17.97	17.89	17.82	17.74
	P. A.	0.2143	0.2134	0.2124	0.2115	0.2105	0.2096	0.2089	0.2083	0.2076	0.2069	0.2060	0.2050	0.2040
27	33	18.90	18.81	18.71	18.62	18.52	18.43	18.33	18.24	18.14	18.05	17.95	17.86	17.76
	P. A.	0.2175	0.2164	0.2151	0.2140	0.2128	0.2116	0.2104	0.2093	0.2080	0.2069	0.2056	0.2045	0.2033
33	39	19.16	19.04	18.93	18.81	18.70	18.58	18.47	18.35	18.24	18.13	18.01	17.90	17.78
	P. A.	0.2208	0.2193	0.2179	0.2164	0.2150	0.2135	0.2121	0.2109	0.2093	0.2079	0.2064	0.2050	0.2035
39	45	19.40	19.27	19.13	19.00	18.87	18.73	18.60	18.47	18.33	18.20	18.07	17.93	17.80
	P. A.	0.2238	0.2221	0.2204	0.2188	0.2171	0.2154	0.2138	0.2121	0.2104	0.2088	0.2071	0.2054	0.2038
45	51	19.68	19.51	19.36	19.20	19.05	18.90	18.74	18.59	18.44	18.28	18.13	17.98	17.82
	P. A.	0.2270	0.2251	0.2233	0.2213	0.2194	0.2175	0.2155	0.2135	0.2117	0.2098	0.2079	0.2060	0.2040
51	57	19.92	19.74	19.57	19.40	19.23	19.05	18.88	18.71	18.53	18.35	18.19	18.01	17.84
	P. A.	0.2303	0.2280	0.2259	0.2238	0.2216	0.2194	0.2173	0.2151	0.2129	0.2108	0.2086	0.2064	0.2043
57	63	20.15	19.94	19.77	19.58	19.39	19.19	19.00	18.81	18.62	18.43	18.24	18.05	17.85
	P. A.	0.2331	0.2305	0.2284	0.2260	0.2239	0.2211	0.2183	0.2164	0.2140	0.2116	0.2093	0.2069	0.2045
63	69	20.37	20.16	19.95	19.75	19.54	19.33	19.12	18.92	18.71	18.50	18.29	18.08	17.88
	P. A.	0.2359	0.2333	0.2308	0.2281	0.2255	0.2229	0.2203	0.2178	0.2151	0.2125	0.2099	0.2073	0.2048
69	75	20.61	20.38	20.16	19.93	19.70	19.48	19.25	19.03	18.80	18.57	18.35	18.12	17.89
	P. A.	0.2389	0.2360	0.2333	0.2304	0.2275	0.2248	0.2219	0.2191	0.2163	0.2134	0.2106	0.2078	0.2049
75	81	20.86	20.62	20.37	20.12	19.88	19.63	19.37	19.14	18.90	18.65	18.41	18.16	17.91
	P. A.	0.2420	0.2390	0.2359	0.2328	0.2298	0.2263	0.2233	0.2203	0.2175	0.2144	0.2114	0.2083	0.2051
81	87	21.13	20.89	20.60	20.33	20.06	19.80	19.53	19.27	19.00	18.73	18.43	18.20	17.93
	P. A.	0.2454	0.2420	0.2388	0.2354	0.2320	0.2288	0.2254	0.2221	0.2188	0.2154	0.2116	0.2083	0.2054
87	93	21.25	20.97	20.70	20.42	20.15	19.87	19.60	19.32	19.03	18.77	18.49	18.22	17.94
	P. A.	0.2469	0.2434	0.2400	0.2365	0.2331	0.2299	0.2263	0.2223	0.2191	0.2159	0.2121	0.2080	0.2055
93	---	21.37	21.08	20.80	20.51	20.23	19.95	19.67	19.38	19.09	18.81	18.52	18.24	17.95
	P. A.	0.2484	0.2448	0.2413	0.2376	0.2341	0.2306	0.2270	0.2235	0.2199	0.2164	0.2128	0.2093	0.2057

*P. A. = Proof adjustment (adjustment per degree of proof).

NOTE: The prices in this table include Federal excise and rectification taxes at rates in effect November 2, 1942. These prices do not include any State or local taxes. See paragraph (d) for computation of increase effective April 1, 1944, in United States excise taxes.

[Appendix E amended by Am. 14, 9 F.R. 3152, effective 3-21-44 and as otherwise noted].

APPENDIX F—SPECIAL MAXIMUM PRICES BY AUTHORIZATION

(a) Who is permitted or required to file an application for authority to establish special maximum prices by authorization. (1) Processors of items of packaged domestic distilled spirits for which no other pricing method is provided in this Article, or processors who for any reason are unable to establish a maximum

price under the other Appendices to this Article.

(2) Processors who have established maximum prices under Appendices A through F inclusive, for sales of an item to particular classes of customers but who now desire to sell the item to another class of customers for which they cannot establish a maximum price under the applicable Appendix.

(b) Prohibited sales. Except as provided in paragraph (c) of this section:

(1) A processor making application for authority to establish a special maximum price by authorization for sales of an item of packaged domestic distilled spirits shall not, prior to the date on which that authority is granted, sell, offer to sell, or deliver the item that is the subject of the application; and

(2) A seller required to make application for authority to establish a maximum price for a particular sale shall not make, or agree to make that sale until after the application is filed and authority granted.

(c) *Adjustable pricing while an application under this section is pending before the Office of Price Administration.* (1) If permitted by the Office of Price Administration, but not otherwise, a person making application under this Appendix may, after the application is filed and while it is pending, sell, offer to sell and deliver the item that is the subject of the application if the sale, offer to sell, or delivery is made under an agreement with the customer to adjust the price charged to an amount not in excess of the maximum price thereafter established under this section. Such permission may be granted only if necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The permission may be granted by letter addressed to the applicant, signed by the Price Administrator or by any official of the Office of Price Administration to whom authority to grant such permission has been delegated.

(2) Permission to use adjustable pricing granted under this paragraph may be revoked at any time in the manner in which it was granted. It shall be deemed revoked on the day on which authority to establish a maximum price is granted, or such maximum price is otherwise established pursuant to this section: *Provided*, That with respect to any sale which the applicant is required to make at a price posted or listed with a state or other public authority, he may continue to sell, offer to sell, or deliver the item until the effective date for prices thus posted or listed at the first opportunity after the 4th day (including Sundays and holidays) after the authority applied for is granted, or an applicable maximum price is otherwise established pursuant to this section.

(3) Where permission to use adjustable pricing under this Appendix has been granted, and a special maximum price by authorization is thereafter established in an amount less than that charged, the processor shall immediately refund to his purchasers all amounts received in excess of the special maximum price by authorization so established.

(d) *Contents of application.* The application shall be by letter, signed by the processor or his authorized agent, and sent in duplicate to the Office of Price Administration, Beverage Section, Washington, D. C., by registered mail, return receipt requested. It shall contain the following:

(1) The processor's name and address, and the name and address of the person signing the application.

(2) A statement that the application is filed under Appendix F of Article III of Maximum Price Regulation No. 445.

(3) A statement in detail of the reasons for his inability to establish a maximum price under other provisions of this Article.

(4) A description in detail of the item which is the subject of the application. Copies of the approved front label and the back label, if any, must be attached to the application. The description shall supply the following information if not disclosed by the labels attached to the application:

- (i) Brand name.
- (ii) Formula.
- (iii) Container size or sizes.
- (iv) Classification or subclassification of identity.
- (v) The name and address of the bottler.

(5) An itemized statement of the processor's actual costs (not in excess of applicable OPA maximum prices) for the item prepared from regularly kept accounts, all taxes to be separately itemized.

(6) Applicant's proposed maximum prices for each container size, f. o. b. bottling plant,

stating the address of the bottling plant, the particular classes of customers to which the proposed maximum prices are applicable, and the discounts and allowances applicable.

(7) In any case where the application is made for sales of an item to a new class of customers, the application shall also contain a statement of the maximum prices established for sales to other classes of customers, describing the particular classes, and the Appendix under which such maximum prices were established.

(8) For cordials, liqueurs and packaged alcoholic beverage specialties, the application shall also include a copy of the approved formula on Treasury Department Form 27-B Supplemental or a photostatic copy or other facsimile thereof. Ingredient costs as required under (5) above may be grouped to correspond with the approved formula. The detailed costs of items need not be stated separately where they do not represent a significant part of the total cost.

(9) Any other pertinent information which the processor desires to submit.

(e) *When and how authority is given or denied—*(1) *Approval of or objection to application.* If within 60 days (including Sundays and holidays) after receipt of the application under this Appendix by the Office of Price Administration, the applicant shall not receive notice by letter from the Office of Price Administration, of objection to the maximum prices proposed in his application, he shall be deemed authorized to establish such maximum prices for sales of the item in the container sizes and to the particular classes of customers described therein: *Provided*, That if within the 60 day period the Office of Price Administration shall by letter request supplemental information with respect to any matter stated in or omitted from the application, that period shall be figured from the date on which the requested supplemental information is received in writing by the Office of Price Administration. The authority so granted may be revoked by the Price Administrator at any time. Upon written request of the applicant received by the Office of Price Administration within 30 days (including Sundays and holidays) after the date of a notice of objection given under this paragraph, the Office of Price Administration will issue a formal order denying authority to establish the maximum prices requested in his application.

(2) *By order or amendment.* The Price Administrator may, at any time, by order or by amendment to this regulation establish maximum prices for sales of any items of any classification of domestic distilled spirits to one or more classes of customers. The maximum prices established by any such order or amendment shall supersede all maximum prices previously authorized under (1) above.

(f) *Compliance with price posting or listing requirements.* Permission to use adjustable pricing and authority to establish maximum prices granted by the Price Administrator pursuant to application under this section, or by order or by amendment to this Article, shall not authorize an applicant to sell or offer for sale an item until after compliance with provisions of any applicable statute, ordinance or regulation requiring the posting or listing of his prices.

APPENDIX G—ADJUSTMENT OF MAXIMUM PRICES FOR SUBSTITUTION OF CERTAIN INGREDIENTS

(a) *Procedure for adjustment of maximum prices—*(1) *Substitution of imported neutral spirits, neutral spirits derived from domestic processing of imported distilled spirits, or imported distilled spirits.* The processor shall add to the maximum prices established under Appendices A through F inclusive, the actual amount of the direct cost of importation (as defined in (iv) below), in no event to exceed 50 cents per proof gallon, and the amount of import duty applicable to the quantity of

(1) Imported neutral spirits used as a substitute for the same quantity of domestic neutral spirits thereby displaced in the item;

(ii) Neutral spirits, derived from domestic processing of imported distilled spirits, used as a substitute for the same quantity of domestic neutral spirits thereby displaced in the item.

(iii) Imported distilled spirits of a particular classification and subclassification of identity under applicable United States labeling laws and regulations used as a substitute for the same quantity of domestic neutral spirits or the same quantity of domestic distilled spirits of the same classification and subclassification of identity thereby displaced in the item.

(iv) The "direct cost of importation" means the actual amount of the charges paid for cooerage, export tax, freight to port of arrival, loading, war risk and marine insurance, wharfage, consular fees, customs broker fees, customs entry fees, loss of merchandise and customs duty due to leakage and evaporation in shipment to the United States, and freight from port of arrival to the processor's bottling plant.

(2) *Substitution of domestic grape spirits, spirits-fruit, spirits-fruit processed, and neutral brandy.* The processor shall add to the maximum prices established under Appendices A through F, inclusive, the amount of \$.55 per proof gallon of the products stated above, used as a substitute for the same quantity of domestic neutral grain or cane spirits thereby displaced in the item.

NOTE: The amount of any permitted increase pursuant to Maximum Price Regulation No. 193 must not be included in a maximum price established under Article III except as is provided in subparagraph (3) below.

(3) *Substitution of domestic high wines (manufactured from cane or grain) for domestic neutral spirits.* The processor shall add to the maximum prices established under Appendices A through F, inclusive, the amount of the permitted increase for high wines manufactured from cane or grain used as a substitute for the same quantity of domestic neutral spirits thereby displaced in the item as required to be computed by the processor under § 1420.13 (a) (1) (i) of Maximum Price Regulation No. 193.

(b) *Rules for establishing maximum prices under Appendix G.* (1) The additions provided in this Appendix can be computed only with respect to the quantity of distilled spirits actually displaced in the item. No allowances are provided for loss in processing or otherwise.

(2) The additions provided for substitution of imported distilled spirits are applicable where an ingredient of an item of domestic distilled spirits is displaced by the same ingredient except that such displacing ingredient is imported, or where domestic neutral spirits are displaced by imported distilled spirits.

(3) The additions provided for substitution of imported distilled spirits are inapplicable where the item as sold or offered for sale during March 1942 contained as an ingredient the same classification of imported distilled spirits.

(c) *Reports required to be filed.* On or before the date of making the first sale of an item at a maximum price adjusted under this Appendix, the processor shall, by letter to the Office of Price Administration, Beverage Section, Washington, D. C., report the maximum price so established. The letter-report shall contain the following:

(1) The name and address of the processor filing the report.

(2) A statement that the report is filed under Appendix G to Article III of MPR 445.

(3) The brand name, container size and proof of the item which is the subject of the report.

(4) The date upon which the processor filed OPA Form 635-232-A (brand name report required under Amendment No. 6 to MPR 193) for the base item used for the adjustment made under this Appendix if such item was sold or offered for sale by the processor during March 1942.

(5) The maximum price for the item which is the subject of the report, and a statement showing the steps (similar to those illustrated by the examples) made by the processor to figure such price, in accordance with procedures provided in this Appendix. Neither acceptance nor failure to act upon a letter-report filed under this paragraph shall constitute approval by the Office of Price Administration of the maximum prices so reported.

[Sections 3.2 through 3.7, inclusive, and Appendices A through G added by Am. 9, 8 F.R. 17415, effective 1-6-44]

ARTICLE IV—MAXIMUM PRICES FOR SALES OF CERTAIN BULK DOMESTIC WINE AND RELATED PRODUCTS BY ANY PERSON, AND FOR SALES OF CERTAIN PACKAGED DOMESTIC WINE BY PROCESSORS

[Article heading as amended; former sec. 4.1 revoked and new sec. 4.1 added by Am. 3, 8 F.R. 13500, effective 10-7-43]

SEC. 4.1 Purposes of Article IV—(a) Generally. Article IV establishes maximum prices for sales of the kinds of bulk domestic wine, and for sales in bulk of the related products specified therein when made by any person. It also establishes maximum prices for the processor's sales of the kinds of packaged domestic wine specified therein. Maximum prices for the kinds of bulk domestic wine and related products, or for processors' sales of the kinds of packaged wine not specified in Article IV must be determined under other applicable regulations or orders of the Office of Price Administration. Except for sales which are specifically exempted by Article V of this regulation, maximum prices for sales of all packaged domestic wine by persons other than the processor must be established under that article.

(b) *Related products not within the scope of this article.* Article IV and other provisions of this regulation do not apply to sales of the following products, maximum prices for which shall be determined under other applicable regulations or orders of the Office of Price Administration:

Tartrates	Pomace stock feed
Argols	Lees (dried)
Pomace	Wine vinegar
Seeds	Cooking wine unfit
Grape seed oil	for use for beverage purposes
Grape seed cake	
Pomace fertilizer	Enocianima (coloring)

(c) *Prior regulations, orders and interpretations superseded.* Except as otherwise provided in this regulation, Article IV supersedes all other maximum price regulations, orders and interpretations issued by the Office of Price Administration before October 7, 1943 with respect to the sales of domestic wine and related products to which it applies, including the applicable provisions of the following:

(1) The General Maximum Price Regulation;

(2) Article II of Revised Supplementary Regulation No. 14 (except that section 2.18 thereof shall continue in force with respect to reports required to be filed thereunder prior to September 10,

1943: *Provided*, That such maximum price regulations, orders and interpretations shall remain in force with respect to a particular sale of domestic wine or a related product until provisions of this article become applicable thereto pursuant to section 4.12.

SEC. 4.2 General rules for figuring maximum prices under this article. Each seller to whom this article applies must observe the following general rules for establishing his maximum prices pursuant thereto:

(a) *Figuring maximum prices separately.* Each type and quality of bulk domestic wine and each related product sold, offered for sale or delivered by any person on and after the date on which a maximum price therefor must be established under this article must have a separate maximum price. Each item of packaged domestic wine sold, offered for sale or delivered by the processor on and after the date on which a maximum price therefor must be established under this article must likewise have a separate maximum price. An item is a particular brand name, container size and type designation of packaged domestic wine. One packaged item must not be considered the same as another if there is any difference in

- (1) Their brand names, or
- (2) Their processors, or
- (3) Their container sizes (quarts as compared with fifths, etc.), or
- (4) Requirements of United States labelling laws or regulations applicable to each, or in material information contained on their labels. Type designation, vintage, alcohol content, appellation of origin and grape variety from which produced shall be deemed material information.

NOTE: Any change of brand name shall be deemed to require separate pricing. For example, a change of name from "Royal King" to "Royal King Reserve" or "Royal King Three Star" or "Royal" is a change of brand name. However, a change of brand name only, when made to comply with any judicial decree, or to terminate legal proceedings to compel such change, shall not require the item to be repriced if the processor, before changing the brand name, gives the Office of Price Administration, Beverage Section, Washington, D. C., written notice of such action and the reason therefor.

(b) *Customer classifications.* (1) A separate maximum price determined in accordance with the applicable section of this article must be established for sales to each class of customers which the processor desires to sell.

(2) Where a processor establishes an "adjusted March 1942 price" or an "adjusted March 1942 price" converted for a change of container size, his customers for sales to which such maximum price applies must be classified in accordance with his March 1942 customer classifications. If he desires to sell the bulk domestic wine, related product or packaged item so priced to a customer of a class to which he did not sell it during March 1942, he shall apply to the Office of Price Administration for authority to establish a maximum price for such sale pursuant to section 4.9.

(3) Where a section of this article provides a "specific maximum price" or an "alternate maximum price" which

the seller is required or elects to use for bulk domestic wine, or for a related product or packaged item, that maximum price applies to the classes of customers stated therein, or if no classes of customers be stated, then to all classes of customers.

(4) Where a seller established "special maximum prices" after application to the Office of Price Administration under section 4.9, the maximum prices so established shall apply only to his sales to the classes of customers stated in the application, or in the order or amendment issued pursuant thereto.

(c) *Discounts, allowances, price differentials and terms of sale.* (1) Customary discounts, allowances and other price differentials (except "special deals" to which § 1499.4b of the General Maximum Price Regulation applied) in effect during March 1942 in accordance with a seller's March 1942 customer classifications must be applied to his maximum prices established under this article: *Provided*, That discounts (other than discounts for prompt payment), allowances and price differentials in accordance with a seller's March 1942 customer classifications need not be maintained with respect to sales of bulk domestic wine, related products or packaged items for which the seller is required or elects to use either a "specific maximum price", an "alternate maximum price", or a "special maximum price."

(2) If a seller makes his terms of sale to a customer more onerous than those in effect during March 1942 for his sales to a customer of the same class, he must make a compensating reduction in his maximum price established under this article.

(3) If a seller directly or indirectly requires a customer to make any payment in advance of delivery (whether to the seller or to another person), the seller must reduce his maximum price established under this article for that sale by an amount equal to interest at the rate of 5% per annum on the amount of the advance payment from the date the payment is made to the date on which the commodity is delivered or the payment refunded to the customer.

(d) *Sales and offers to sell.* (1) When the price for a sale or for an offer to sell during March 1942 is to be used in determining a maximum price under this article, the price for a sale completed by delivery during that month must be used if such sale was made. An offering price may be used only if no such sale was made during March 1942, if it was an offering price for supply or delivery during that month, and if the offer or an acceptance thereof is supported by written evidence.

(2) Where the price for a sale or for an offer to sell during March 1942 is to be used by the processor in determining a maximum price under this article, the price so used must be the price for an item with respect to which he was the processor during March 1942.

[Paragraph (d) as amended by Am. 15, effective 5-8-44]

(e) *F. o. b. and delivered prices.* (1) Where a seller establishes an "adjusted March 1942 price" or an "adjusted March 1942 price" converted for a change of container size as his maximum price for bulk domestic wine, or for a related product or a packaged item, and the highest price he charged or at which he offered to sell during March 1942 used to determine such "adjusted March 1942 price" was a delivered price, or an f. o. b. particular freight base point price, the maximum price thus established shall correspondingly be a delivered price or an f. o. b. particular freight base point price, as the case may be.

(2) "Specific maximum prices," "alternate maximum prices" and "special maximum prices" provided in this article are prices f. o. b. processor's premises or seller's point of shipment, unless otherwise expressly stated.

(3) If a seller's maximum price is a price f. o. b. a particular place, and he desires to convert it to a delivered price for delivery to a point outside the metropolitan area of that place, he may add to his maximum price transportation charges from that place to the point of delivery, at the rate he actually pays.

NOTE: For a definition of "transportation charges" and the method of computing them when the seller uses his own vehicle, see section 7.12 (d) (4).

(f) *Carload and less than carload prices.* (1) Where a seller establishes an "adjusted March 1942 price" or an "adjusted March 1942 price" converted for a change of container size as his maximum price for bulk domestic wine, or for a related product or packaged item, and the highest price he charged or at which he offered to sell during March 1942 used to determine such "adjusted March 1942 price" was a carload price, or a less than carload price, the maximum price thus established shall correspondingly be a carload, or less than carload price, as the case may be.

(2) "Specific maximum prices," "alternate maximum prices" and "special maximum prices" provided in this article are prices in carload quantity, unless otherwise expressly stated.

(3) A seller whose maximum price is a carload price may, for sales in less than carload quantity, add to such maximum price his March 1942 customary differential over the carload price for the commodity. Similarly, a seller whose maximum price is a less than carload price shall, for sales in carload quantity, reduce his maximum price by the amount of his March 1942 customary differential over a carload price for the commodity.

(g) *California state marketing order assessment.* A processor may charge, in addition to his maximum price established under this article for a sale of any California grape wine, the amount of any applicable California state marketing order assessment at rates in effect on October 1, 1943, paid or payable by the processor with respect to that sale. For purposes of this article such amount shall be deemed a part of the maximum price to which it is added and for purposes of Article V shall be deemed a part of a supplier's price.

NOTE: If the processor's maximum price for a particular sale is an "adjusted March 1942

price" including the California state marketing order assessment, no additional amount shall be added therefor.

(h) *Addition of certain taxes to maximum prices.* A seller may add to his maximum price established under this article for a sale, the amount of any applicable United States, state or local excise taxes at rates in effect on November 2, 1942, paid or payable by the seller to the taxing authorities or to a prior vendor for the type and quality of wine or product being priced: *Provided*, That no amount shall be added for such taxes otherwise included in that maximum price, and no amount shall be added to "specific maximum prices", "alternate maximum prices" or "special maximum prices" for any United States excise tax stated as being included therein. Except as otherwise expressly provided in this regulation, no amount shall be added for license, income, franchise, receipts, gross receipts, sales, use or other similar federal, state or local taxes.

[Last sentence added by Am. 15, effective 5-8-44. Note deleted by Am. 15]

(i) *Fractional parts of a gallon.* In any sale of bulk domestic wine or a related product, where the total quantity to be priced involves the fractional part of a gallon, the seller's maximum price for the fractional part of a gallon shall be proportionate to his maximum price for a gallon.

(j) [Revoked]

(k) [Revoked]

[Paragraphs (j) and (k) revoked by Am. 15, effective 5-8-44]

SEC. 4.3 *Processor's maximum prices for California grape wine in bulk—*(a) *Sales of current wine.* A processor's maximum price to a customer of any class for current California grape wine in bulk in carload quantity, naked f. o. b. processor's premises, shall be a specific maximum price according to the wine to be priced as follows:

28 cents per gallon of red table wine.
33 cents per gallon of white table wine.
55.5 cents per gallon of dessert wine.

NOTE: The above prices do not include California marketing order assessment, or United States, state or local excise taxes which may be added as provided in section 4.2 (g) and (h).

(b) *Sales of non-current wine.* A processor's maximum price per gallon to a customer of any class for any type and quality of non-current California grape wine, naked in bulk in carload quantity, shall be either an adjusted March 1942 price or an alternate maximum price or a special maximum price as follows:

(1) *Adjusted March 1942 price.* The highest price per gallon the processor charged or at which he offered the particular type and quality of wine for sale in bulk on such terms during March 1942 to a customer of the particular class, plus the last amount (permitted increase) which section 2.2 or section 2.5 of Revised Supplementary Regulation No. 14 permitted him to add to that price.

[Subparagraph (1) as amended by Am. 15, effective 5-8-44]

NOTE: If the processor did not sell or offer to sell the particular type and quality of non-

current wine in bulk during March 1942 to any customer, he must not use an adjusted March 1942 price therefor.

(2) *Alternate maximum price.* An amount f. o. b. processor's premises according to the wine being priced as follows:

40 cents per gallon of red table wine.
45 cents per gallon of white table wine.
63 cents per gallon of dessert wine.

NOTE: These alternate maximum prices do not include California state marketing order assessments or United States, state or local excise taxes which may be added as provided in section 4.2 (g) and (h).

(3) *Special maximum prices.* A processor who is unable to determine an adjusted March 1942 price under (1) above for a particular type and quality of non-current wine in bulk may, if permitted by section 4.8, make application to the Office of Price Administration for authority to establish special maximum prices for that wine. Such application shall be made in accordance with section 4.9. A special maximum price authorized pursuant to that section shall be the processor's maximum price to the specified classes of customers for the type and quality of non-current wine in bulk that is the subject of the application.

NOTE: Section 4.6 contains special provisions and pricing instructions applicable to the following types of California grape wine and related products if sold in bulk:

Spanish type blending sherry;
Lees wine;
Vermouth and flavored wines made from dessert wines;
Flavored wines made from table wines;
Light sweet wine;
Sparkling and carbonated wines;
Unfinished wine;
Mixed wine containing California grape wine or made in part from juice of California grapes;
Wine fermented in whole or in part from California grape concentrates;
California grape concentrates.

(c) *Sales of current or non-current wine in bulk in less than carload quantity to retailers and consumers.* A processor's maximum price to a retailer or to a consumer for current or non-current California grape wine in bulk in less than carload quantity (in barrels or other containers) shall be an adjusted March 1942 price per gallon, equal to the total of the following:

(1) The highest price per gallon the processor charged, or at which he offered current wine or the particular type and quality of non-current wine for sale in bulk in less than carload quantity (in barrels or other containers) to a retailer or to a consumer respectively; plus

(2) The last amount (permitted increase) which section 2.2 or section 2.5 of Revised Supplementary Regulation No. 14 permitted him to add to that price. [Subparagraph (2) as amended by Am. 15, effective 5-8-44]

(d) *Sales of a carload quantity in barrels or other containers.* A processor who sells a carload quantity of current or non-current California grape wine in bulk in barrels or other containers to a customer of any class may, for such sale add 2 cents per gallon to his maximum price naked

established under (a) or (b) above for a carload quantity of the wine being priced.

NOTE: This allowance includes handling and loading but does not include the cost of the barrels or containers. If the seller furnishes the barrels or containers which, upon delivery to the customer, become the customer's property, the seller may add a charge for the barrels or containers, not in excess of his maximum price therefor.

SEC. 4.4 Wholesalers', packers' and retailers' maximum prices for California grape wine in bulk—(a) Wholesalers and packers. A wholesaler's or packer's maximum price per gallon to a customer of any class for current or non-current California grape wine in bulk (whether repacked or not) in carload quantity f. o. b. seller's shipping point shall be a specific maximum price equal to the total of:

(1) **Processor's price.** The processor's maximum price per gallon for the type and quality of wine in bulk in carload quantity as provided in this article.

(2) **Freight.** Transportation charges per gallon from the processor's premises to the wholesaler's or packer's customary receiving point at the carload rate (exclusive of expense of hauling, drayage or handling within the metropolitan area of such premises or receiving point). No amount shall be added for any such transportation charges included in the processor's price under (a) above.

(3) **Mark-up.** 10 cents per gallon where the bulk wine is delivered to the customer in the original barrel or other container in which it was received by the seller without repacking, or 12 cents per gallon where the bulk wine is delivered to the customer in other than the original barrel or other container in which it was received by the seller.

NOTE: This mark-up includes handling and loading but does not include the cost of the barrels, or containers. If the seller furnishes the barrels or containers which, upon delivery to the customer, become the customer's property, the seller may add a charge for the barrels or containers, not in excess of his maximum price therefor.

(b) **Retailers.** A retailer's maximum price per gallon for any California grape wine in bulk shall be the total of the following:

(1) **Net cost.** His net cost for the wine being priced (figured according to section 5.3 of this regulation), plus

(2) **Mark-up.** The difference between (i) His net cost per gallon (figured according to section 5.3 for his last purchase of the same type of bulk wine on or prior to March 31, 1942 out of which he made or offered to make sales during March 1942, and

(ii) The highest price per gallon he charged during March 1942 or at which he offered to sell that type of wine.

NOTE: Retailers' maximum prices for bulk wine do not authorize such sales where prohibited by Statute or ordinance.

SEC. 4.5 Processor's maximum prices for packaged California grape wine—(a) Sales of packaged current wine. A processor's maximum price per case for a brand and container size of packaged current California grape wine shall be either an adjusted March 1942 price for

that brand and container size or an alternate maximum price as follows:

(1) **Adjusted March 1942 price.** The highest price per case the processor charged, or at which he offered the same kind and type of wine for sale under the same brand and in the same container size to a customer of the particular class, plus the last amount (permitted increase) which section 2.2 or section 2.5 of Revised Supplementary Regulation No. 14 permitted him to add to that price.

NOTE: Except as otherwise expressly provided in this article an adjusted March 1942 price cannot be used as a maximum price for a brand not sold or offered for sale during March 1942, or not used during March 1942 for sales of such kind and type of wine.

If the processor sold or offered such kind and type of packaged wine for sale during March 1942 under the brand, but not in the container size to be priced, he may use as his adjusted March 1942 price for that container size of such wine, his adjusted March 1942 price for the container size sold or offered for sale during that month, converted however in accordance with section 4.7 for the change of container size.

(2) **Alternate maximum price.** An alternate maximum price per case in any quantity according to the wine being priced and the class of customers, as set forth in paragraph (c) of this section.

[Subparagraphs (1) and (2) as amended by Am. 15, effective 5-8-44]

(b) **Sales of packaged non-current wine.** A processor's maximum price per case for a type, quality, brand and container size of packaged non-current California grape wine shall be either an adjusted March 1942 price for that type, quality, brand and container size, an alternate maximum price, or a special maximum price as follows:

(1) **Adjusted March 1942 price.** The highest price per case the processor charged, or at which he offered the type and quality of non-current wine for sale under the same brand and in the same container size to a customer of the particular class, plus the last amount (permitted increase) which section 2.2 or section 2.5 of Revised Supplementary Regulation No. 14 permitted him to add to that price.

NOTE: Except as otherwise provided in this article, an adjusted March 1942 price cannot be used as a maximum price for a brand not sold or offered for sale during March 1942, or not used during March 1942 for sales of the particular type and quality of wine.

If the processor sold or offered the type, quality and brand of wine for sale during March 1942, but not in the container size to be priced, he may use as his adjusted March 1942 price for that container size of such wine, his adjusted March 1942 price for the container size sold or offered for sale during that month, converted however in accordance with section 4.7 for the change of container size.

(2) **Alternate maximum price.** An alternate maximum price per case in any quantity, according to the wine being priced and the class of customers, as set forth in paragraph (c) of this section.

[Subparagraphs (1) and (2) as amended by Am. 15, effective 5-8-44]

(3) **Special maximum price.** A processor who is unable to determine an adjusted March 1942 price under (1) above for a particular type, quality, brand and container size of packaged non-current wine may, if permitted by section 4.3, make application to the Office of Price Administration for authority to establish special maximum prices for that wine. Such application shall be made in accordance with section 4.9. A special maximum price authorized pursuant to that section shall be the processor's maximum price to the specified classes of customers for the type, quality, brand and container sizes of packaged non-current wine described therein. If a special maximum price is established for a type, quality, brand and container size of packaged non-current wine, and the processor thereafter desires to sell such type, quality and brand in a different container size, his maximum price for the different container size shall be the special maximum price established for the original container size, converted in accordance with section 4.7 for change of container size.

NOTE: Section 4.6 contains special provisions and pricing instructions applicable to the following types of California grape wine if sold in packages:

Vermouth and flavored wines made from dessert wines;
Flavored wines made from table wines;
Light sweet wine;
Sparkling and carbonated wines;
Mixed wine containing California grape wine or made in part from juice of California grapes;
Wine fermented in whole or in part from California grape concentrates.

(c) **List of alternate maximum prices.** The alternate maximum prices provided by this section for sales of packaged current or non-current California grape wine shall be as follows:

(1) **For sales to wholesalers.** A price per case delivered at the wholesaler's customary receiving point for the item equal to the total of (i) and (ii) below.

(i) The amount per case set forth in the following table for the wine and container size to be priced:

TABLE FOR COMPUTING PROCESSORS' ALTERNATE MAXIMUM PRICES FOR SALES OF PACKAGED CALIFORNIA GRAPE WINE

(Prices listed are per case in any quantity and include United States excise taxes at rates in effect on November 2, 1942 but not California marketing order assessment or any state or local excise taxes. Such assessment and state or local excise taxes (as applicable) may be added as provided in section 4.2 (g) and (h)).

(a) **For current wine.**

Type of current wine	For a case containing						
	2 1/2 gallons		3 gallons		4 gallons	4 1/2 gallons	
	12 fifths	24 tenths	12 quarts	24 pints	6 half gallons	4 one-gallons	
White table wine	\$3.85	4.45	\$4.37	\$4.97	\$4.02	\$4.62	
Red table wine	3.74	4.34	4.23	4.83	3.83	4.43	
Dessert wine	4.73	5.33	5.62	6.12	5.17	6.24	

(b) For non-current wine.

Type of non-current wine	For a case containing					
	2 1/2 gallons		3 gallons			4 gallons
	12 fifths	24 tenths	12 quarts	24 pints	6 half gallons	4 one-gallons
White table wine.....	\$4.14	\$4.74	\$4.73	\$5.33	\$4.38	\$5.11
Red table wine.....	4.03	4.63	4.59	5.19	4.24	4.92
Dessert wine.....	4.91	5.51	5.75	6.35	5.40	6.55

[Note deleted by Am. 15, effective 5-8-44]

(ii) The amount per case for transportation charges determined as follows:

(a) For sales by a processor located in the State of California, delivered at a wholesaler's customary receiving point within that State, such amount shall be equal to transportation charges per case applicable to shipment at the carload rate from processor's premises to the wholesaler's customary receiving point.

(b) For sales by all processors (regardless of location) delivered at a wholesaler's customary receiving point outside California, such amount shall be equal to transportation charges per case applicable to shipment at the carload rate from Bakersfield, California to the wholesaler's customary receiving point.

NOTE: The carload rate to be used in determining the maximum prices for packaged wine under this paragraph is the lowest regularly published carload rate to the point of delivery, regardless of the minimum carload weight to which it applies. An average weight of 38 lbs. per case shall be used to determine the freight rate per case.

Example: The lowest carload rate from Bakersfield, California to New York, N. Y. is 99¢ per cwt. subject to a minimum carload weight of 50,000 lbs. Other carload rates are published but these apply to lesser minimum weights consequently the lowest rate is used and computation made as follows: 99¢ per cwt. equals \$.0099 per lb. x 38 lbs. per case equals .3762¢ or 38¢ per case. Adding this figure to the appropriate amount in the table at (1) gives the delivered price for that type and container size of wine in New York, N. Y.

Explanation: Alternate maximum prices for packaged California grape wine are figured on the so-called "base point system", with Bakersfield, California, as the base point. By adding carload freight from Bakersfield, California, to the purchasing wholesaler's customary receiving point to an amount representing the maximum price of the commodity, f. o. b. processor's premises in California, the maximum price for a sale in any quantity by any processor to any wholesaler located outside of California is readily determined. Maximum prices for the same type and quality of wine will thus, if the alternate maximum price is used, be generally uniform regardless of where the bottling is done.

A processor located in California who desires to sell f. o. b. his premises in that state will use as his maximum price for such f. o. b. sale, the applicable amount under (1) without the addition under (ii) for transportation. A processor located outside of California who desires to establish a price f. o. b. his premises to wholesalers within the metropolitan area of such premises, will use as his f. o. b. price the total of (1) and (ii) (b). If a processor located outside of California desires to establish a price f. o. b. his premises for a sale to a wholesaler outside the metropolitan area of those premises,

will use as his f. o. b. price the applicable total of (1) and (ii) (b) less an amount sufficient to compensate the wholesaler for the freight the wholesaler is thus required to pay.

(2) For sales to monopoly States. The maximum price per case figured under (1) above for sales of the brand and container size delivered to a wholesaler at the March 1942 freight base zone of the monopoly State: Provided, That if the processor during March 1942, customarily sold packaged California grape wine to monopoly States at a price greater or less than his corresponding price per case to wholesalers, his maximum price per case to monopoly States shall be increased or decreased respectively by the amount of such differential in dollars and cents.

(3) For sales to retailers. The maximum price per case figured under (1) above for sales of the brand and container size delivered to a wholesaler at the retailer's customary receiving point for the item, plus applicable state and local excise taxes and California marketing order assessment, and plus the percentage mark-up provided under section 5.4 for sales of packaged domestic wine by wholesalers to retailers.

(4) For sales to consumers. The maximum price per case figured under (1) above for sales of the brand and container size delivered to a wholesaler at the point where the consumer is located, plus applicable state or local excise taxes and California marketing order assessment, and plus the percentage mark-up provided under section 5.5 for sales of packaged domestic wine by retailers to consumers.

(5) Transactions between processors and primary distributing agents. Transactions between processors and primary distributing agents may or may not involve a sale. Where the transaction does not involve a sale, the processor and primary distributing agent may make any proper arrangement for the handling and billing of the item, subject to the limitation that sales by the processor through the primary distributing agent may not exceed the processor's maximum price to a customer of the particular class. Where a processor sells a brand and container size to a primary distributing agent, the parties may use for the transaction between themselves, either an f. o. b. processor's premises price (which will be a uniform price for all transactions) or a delivered price or prices not exceeding the maximum price which the processor may charge for a direct sale to any wholesaler or monopoly State within the territory the primary distributing agent serves.

NOTE: Where the primary distributing agent figures his own maximum price under section 5.7 for a brand and container size the processor has sold to him, the primary distributing agent shall, for a sale to a monopoly State, use the processor's maximum price delivered to such monopoly State. In figuring his maximum price for sales of the brand and container size to a wholesaler, retailer or consumer, the "processor's maximum price to wholesalers and monopoly States" to be used under section 5.7 shall be deemed the processor's maximum price to wholesalers determined under (1) above.

SEC. 4.6 Pricing provisions and instructions applicable to particular California grape wines and to certain related products.

NOTE: Maximum prices provided under sections 4.4 and 4.5 do not apply to sales of California grape wines for which maximum prices are established by this section.

(a) Processors' maximum prices for Spanish type blending sherry. A processor's maximum price per gallon to a customer of any class for any type and quality of Spanish type blending sherry (as defined in section 7.12 (a) (36)) shall be either an adjusted March 1942 price, or an alternate maximum price as follows:

(1) Adjusted March 1942 price. The highest price per gallon the processor charged, or at which he offered the type and quality of Spanish type blending sherry for sale during March 1942 to a customer of the particular class, plus the last amount (permitted increase) which section 2.2 or section 2.5 of Revised Supplementary Regulation No. 14 permitted him to add to that price.

[Subparagraph (1) as amended by Am. 15, effective 5-8-44]

NOTE: If the processor did not sell or offer the type and quality of Spanish type blending sherry for sale during March 1942 to any customer, he must not use an adjusted March 1942 price.

(2) Alternate maximum price. An amount per gallon f. o. b. processor's premises for any quantity according to type and alcohol content as follows:

PROCESSORS' ALTERNATE MAXIMUM PRICE FOR SPANISH TYPE BLENDING SHERRY
[United States, state and local excise taxes not included]

Type	Alcohol content	Maximum price per gallon
16° to and including 21° (Balling).	Over 16° but not in excess of 21° by volume.	\$2.003

NOTE: The above maximum price includes cost of any containers supplied by the seller. If the seller does not supply containers, he shall make a corresponding reduction in his maximum price for the sale.

(b) Processors' maximum prices for lees wine. A processor's maximum price per gallon to a customer of any class for any quantity of lees wine in bulk shall be a specific maximum price f. o. b. processor's premises, computed according to the alcohol content by volume and the pure potassium bi-tartrate (cream of tartar) content of the quantity to be priced. Such maximum price shall be the total of:

(1) 1½ cents for each 1% of alcohol by volume; plus

(2) 11 cents for each pound of pure potassium bi-tartrate (cream of tartar).

NOTE: The above maximum price includes the cost of any containers supplied by the seller. If the seller does not supply containers, he shall make a corresponding reduction in his maximum price for the sale.

(c) Processors' maximum prices for light sweet wine—(1) Sales in bulk. A

processor's maximum price per gallon to a customer of any class for current or non-current light sweet wine in bulk shall be 90% of the maximum price per gallon (established by section 4.4) for his sales of current or non-current dessert wine respectively to a customer of the same class.

(2) *Sales in packages.* A processor's maximum price per case to a customer of any class for packaged current or non-current light sweet wine shall be 90% of the maximum price per case (established by section 4.5) for his sales of current or non-current dessert wine respectively to a customer of the same class.

(3) *Recognition of difference in tax rate.* In determining a maximum price for light sweet wine, in bulk or in packages, the processor shall before applying the percentage provided in (1) and (2) above, deduct from his maximum price for the corresponding dessert wine, the amount of any United States excise tax included therein, and in determining a tax-paid maximum price for light sweet wine shall include therein the amount of the United States excise tax at the rate applicable to light sweet wine.

(d) *Processors' maximum prices for packaged sparkling and carbonated wine.* A processor's maximum price per case for any type, quality, brand and container size of packaged sparkling or carbonated wine (as defined in section 7.12 (a) (25) and (26)) shall be either an adjusted March 1942 price for that type, quality, brand and container size, or a special maximum price established after application to the Office of Price Administration pursuant to section 4.9.

(e) *Pricing vermouth and flavored wines.* (1) Vermouth and flavored wines made from dessert wine shall be classified as non-current dessert wine, and shall be subject to the provisions of this article applicable to such dessert wines.

(2) Flavored wines made from table wine shall be classified as the corresponding non-current table wine, and shall be subject to the provisions of this article applicable to such table wine.

(f) *Processors' maximum prices for sales of certain mixed wines containing California grape wine or made in part from grapes grown in California.* In determining his maximum price to a customer of a particular class for bulk or packaged mixed wine (as defined in section 7.12 (a) (31)), a processor shall figure his maximum price for the percentage of wine made from California grapes, (established by section 4.4 or 4.5 of this article as may be applicable), and his maximum price for the percentage of berry wine other than grape wine under section 2.15 of Revised Supplementary Regulation No. 14, as if the two were separate wines. The figures obtained shall then be added, and the total plus applicable rectification tax, if any, shall be the processor's maximum price for the mixed wine.

Note: This paragraph applies only to mixed wine made in part from California grapes, and in part from berries other than grapes, in which not in excess of 20% of the mixed wine is made from berries.

(g) *Sales of unfinished wine in bulk by any seller.* A seller's maximum price per gallon to a customer of any class

for unfinished California grape wine in bulk shall not exceed his maximum price per gallon (established by section 4.4) for the same type and quality of wine in a finished condition, sold on the same terms to a customer of the same class.

(h) *Maximum prices for California grape concentrates—(1) For sales by processors.* A processor's maximum price per gallon to a customer of any class for any type, kind and quality of California grape concentrates shall be either an adjusted March 1942 price or an alternate maximum price as follows:

(i) *Adjusted March 1942 price.* The highest price per gallon he charged or at which he offered the same type, kind and quality of California grape concentrate for sale during March 1942 to a customer of the particular class, plus the last amount (permitted increase) which section 2.2 of Revised Supplementary Regulation No. 14 permitted him to add to that price.

Note: If the processor did not sell or offer the particular type, kind and quality of concentrate for sale during March 1942 to any customer, he may not use an adjusted March 1942 price for his sales.

(ii) *Alternate maximum price.* An alternate maximum price per gallon for the type, kind and quality of concentrate f. o. b. processor's premises, in any quantity, determined as follows:

PROCESSORS' MAXIMUM PRICES FOR CONCENTRATES

Type of concentrate	Kind of concentrate		
	Price per gallon		
	Red	White	Muscat
55° to 66° Balling:			
Open pan	\$1.23	\$1.23	\$1.50
Vacuum	1.09	1.09	1.23
66° to 80° Balling:			
Open pan	1.50	1.50	1.75
Vacuum	1.23	1.23	1.50

Note: The above maximum prices include the cost of containers supplied by the seller. If the seller does not supply the containers, he must make a corresponding reduction in his maximum price for the sale.

(2) *For sales by dealers.* The maximum price per gallon for a sale of any type, kind and quality of California grape concentrate by a dealer shall be a specific maximum price, f. o. b. seller's warehouse in any quantity, equal to the total of the following:

(i) The maximum price established under (1) above for a processor's sale of the same type, kind and quality of concentrate;

(ii) Transportation charges per gallon from the processor's premises to the seller's customary receiving point for the concentrate being priced at the rate he actually pays. No amount shall be included for

(a) Transportation charges on sales f. o. b. processor's premises where the concentrate is shipped directly to the customer at the customer's expense; or

(b) Expense of hauling, drayage or handling within the metropolitan area of the shipping or receiving point;

(iii) 15 cents per gallon.

(i) *Wine fermented in whole or in part from California grape concentrates.* Wine fermented in whole or in part from concentrates, shall for the purposes of

this article, be classified as the same type and kind of wine as if made from the same materials without concentration.

Sec. 4.7 *Conversion of a maximum price for a change of container size.* A processor required by this article to establish a maximum price for a brand in a new container size by converting his maximum price for the same brand in a different container size shall do so as provided herein:

(a) He shall select as the base container size for purposes of conversion, the largest of the following container sizes in which he sold or offered the brand for sale during March 1942 to a customer of the particular class. If the processor has been authorized pursuant to section 4.9 to establish a special maximum price for the brand to customers of the particular class, he shall select as the base container size for purposes of conversion, the largest of the following container sizes for which such special maximum price has been authorized to customers of that class.

(b) He shall first deduct the amount of any state or local excise taxes and the amount of any California state marketing order assessment from his maximum price for the base container size and then determine his maximum price for the brand in the new container size to be priced as follows:

(1) *For a change from quarts, pints or half-gallons to any other such container size in a case having a total quantity of three gallons.* (i) Add to or subtract from such maximum price per case for the brand in the base container size, the applicable amount as follows:

From—	To—		
	Quarts	Pints	Half-gallons
Quarts		+\$0.60	-\$0.35
Pints	-\$0.60		-\$0.35
Half-gallons	+.35	+.35	

(ii) The resulting figure is the processor's corresponding maximum price per case to a customer of the particular class for the brand in the new container size.

(2) *For a change from gallons to half-gallons or from half-gallons to gallons in a case having a total quantity of four gallons.* (i) Add to or subtract from such maximum price per case for the brand in the base container size, the applicable amount as follows:

From—	To—	
	Half-gallon	Gallons
Half-gallons		-\$0.20
Gallons	+\$0.20	

(ii) The resulting figure is the processor's corresponding maximum price per case to a customer of the particular class for the brand in the new container size.

(3) *For a change from fifths to tenths or tenths to fifths in a case having a total quantity of 2.4 gallons.* (i) Add to or subtract from such maximum price per case for the brand in the base container size, the applicable amount as follows:

From—	To—	
	Fifths	Tenths
Fifths.....	—	+\$0.60
Tenths.....	—\$0.60	—

(ii) The resulting figure is the processor's corresponding maximum price per case to a customer of the particular class for the brand in the new container size.

(4) *For a change from quarts or pints to fifths.* (i) Subtract from such maximum price per case for the brand in the base container size, the sum of \$1.50 or \$2.10 for quarts or pints respectively, as may be appropriate;

(ii) Multiply the resulting figure at (1) by .80;

(iii) Add the sum of \$1.50;

(iv) The resulting figure at (iii) is the corresponding maximum price per case to a customer of the particular class for the brand in fifths.

(5) *For a change from fifths to quarts or pints.* (i) Subtract from such maximum price per case for the brand in the base container size, the sum of \$1.50;

(ii) Multiply the resulting figure at (1) by 1.25;

(iii) Add the amount of \$1.50 or \$2.10 for quarts or pints respectively as may be appropriate.

(iv) The resulting figure at (iii) is the corresponding maximum price per case to a customer of the particular class for the brand in quarts or pints respectively.

(6) *For other changes from any size in a case having a total quantity of 2.4 gallons, 3 gallons or 4 gallons, to any size in a case having a different total quantity.*

NOTE: Changes of this character to which (4) or (5) above apply, are to be made as therein provided.

(i) Convert such maximum price per case for the brand in the base container size into a corresponding maximum price for the container size below for a

Case containing—	Convert to—
2.4 gallons.....	fifths
3 gallons.....	half-gallon
4 gallons.....	gallons

NOTE: If the base container size corresponds to that listed above for a case having the same quantity, this step may be omitted.

(ii) Deduct from the resulting amount at (i) the applicable figure for the container size derived thereunder as follows:

Container size:	Deduct—
Fifths.....	1.50
Half-gallons.....	1.15
Gallons.....	1.00

(iii) Multiply the resulting figure at (iii) by the applicable factor according to the quantities in the cases from which and to which conversion is being made as follows:

From a case containing—	To a case containing—		
	2.4 gallons	3 gallons	4 gallons
2.4 gallons.....	1.00	1.25	1.60
3 gallons.....	0.80	1.00	1.33
4 gallons.....	.60	.75	1.00

(iv) Add to the resulting figure at (iii) one of the following amounts according to the size of the case to which conversion is being made as follows:

To a case containing—	Add—
2.4 gallons.....	\$1.50
3 gallons.....	1.15
4 gallons.....	1.00

(v) The resulting figure at (iv) is the processor's corresponding maximum price to a customer of the particular class per case of 2.4 gallons, 3 gallons or 4 gallons in fifths, half gallons and gallons respectively. If the processor desires to sell in a particular case, a container size other than that for which a price has resulted, he shall convert such resulting price into a corresponding maximum price for the container size he desires to sell, using for that purpose paragraph (1), (2) or (3) above as may be applicable.

(7) All maximum prices derived under the preceding subparagraphs of (b) are prices exclusive of any state or local excise taxes and California marketing order assessment. Such state and local excise taxes and assessment (if applicable) may be added to a corresponding maximum price as provided in section 4.2 (g) and (h).

Example of conversion under subparagraphs (6) and (7): A processor has established a maximum price of \$4.60 per case of 24 tenths for a brand to wholesalers. He has not established a maximum price to wholesalers for the brand in any other container or case size. He desires to convert his container and case size from 24 tenths, (2.4 gallons) to 24 pints (3 gallons). The method to be employed is as follows:

Maximum price per case of 24 tenths (exclusive of state and local excise taxes and California marketing order assessment).....	\$4.60
First: Convert the price for tenths into a price for fifths by deducting \$0.60 per subparagraph (3).....	.60
	4.00
Second: Deduct for fifths.....	1.50
	2.50

Third: Multiply by factor of 1.25 applicable to conversion from case of 2.4 gallons to case of 3 gallons.
2.50 x 1.25 = 3.125

Fourth: Add \$1.15 to secure price of 3 gallon case in half-gallon containers..... 1.15

4.275

Fifth: Convert price for half gallons into price for pints by adding \$0.95 per subparagraph (1)..... .95

Maximum price per case of 24 pints (exclusive of state and local excise taxes and California marketing order assessment)..... 5.225 or 5.23

SEC. 4.8 Types and kinds of California grape wine for which a special maximum price may be authorized pursuant to section 4.9. A processor who is unable to establish an adjusted March 1942 price for a particular type and kind of bulk or packaged non-current California grape wine may apply to the Office of Price Administration for authority to establish a special maximum price therefor, if such wine requires individual

consideration. In general, the wine will not be deemed to require such consideration unless:

(a) It is produced principally from varietal types of grapes (as defined in section 7.12 (a) (41)); or unless

(b) Applicable United States labelling laws and regulations permit the processor to label individual packages thereof as wine of the 1941 or earlier vintage; or unless

(c) It is produced by blending two or more kinds of wine, and non-current wine is the principal component of the wine resulting; or unless

(d) It has been subjected to cellar treatment by methods or to an extent generally recognized as producing a wine requiring individual consideration, such treatment involving additional fining, stabilization, finishing, racking, filtering, aging, binning and other cellar treatment beyond that customarily given non-current wines.

Sec. 4.9 Application for authority to establish maximum prices—(a) *Who is permitted or required to file.* (1) Any processor who desires to sell or offer for sale bulk or packaged non-current California grape wine for which a special maximum price may be authorized pursuant to the provisions of section 4.8 may make application under this section for authority to establish such maximum price.

(2) Any seller who is required by any provision of this article to make application for authority to establish any maximum price, or who is unable to determine a maximum price for a particular sale of any wine or related product to which this article applies shall make application under this section.

(b) *Prohibition.* Except as provided in paragraph (c) of this section:

(1) A processor making application for authority to establish a special maximum price for bulk or packaged non-current California grape wine shall not, prior to the date on which that authority is granted, sell, offer to sell, or deliver the wine that is the subject of the application at any prices in excess of those provided therefor under other applicable provisions of this article; and

(2) A seller required to make application for authority to establish a maximum price for a particular sale shall not make, or agree to make that sale until after the application is filed and authority granted.

(c) *Adjustable pricing while an application under this section is pending before the Office of Price Administration.*

(1) If permitted by the Office of Price Administration, but not otherwise, a person making application under this section may, after the application is filed and while it is pending, sell, offer to sell and deliver the wine or related product that is the subject of the application if the sale, offer to sell, or delivery is made under an agreement with the customer to adjust the price charged to an amount not in excess of the maximum price therefor later established under this section. Such permission may be given only if necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended,

The permission may be given by letter addressed to applicant, signed by the Price Administrator or by any official of the Office of Price Administration to whom authority to grant such permission has been delegated.

(2) Permission to use adjustable pricing given under this paragraph may be revoked at any time in the manner in which it was given. It shall be deemed revoked on the day on which authority to establish a maximum price is granted, or such maximum price is otherwise established pursuant to this section: *Provided*, That with respect to any sale which the applicant is required to make at a price posted or listed with a state or other public authority, he may continue so to sell, offer to sell or deliver the wine or related product until the effective date for prices thus posted or listed at the first opportunity after the 4th day (including Sundays and holidays) after the authority applied for is granted, or an applicable maximum price is otherwise established pursuant to this section.

(d) *Contents of application.* The application shall be in writing, signed by the processor or his authorized agent, and sent in duplicate to the Office of Price Administration, Beverage Section, Washington, D. C., by registered mail, return receipt requested. It shall contain the following:

(1) The processor's name and address, and the name and address of the person signing the application.

(2) The section of this article which requires or permits applicant to file the application.

(3) A description of the wine or related product for which authority to establish a maximum price is sought, including (if the subject of the application is packaged wine) a statement of the date on which OPA Form No. 635-369a, 635-369b or 635-369c was filed for the particular brand, or if no such form was filed, copies of the approved front label and the back label, if any, of any one container size of the wine. The description shall supply the following information if not disclosed by the form previously filed with the Office of Price Administration or by such labels:

(i) The kind of wine, e. g. still wine, sparkling wine, carbonated wine, etc.

(ii) The type of wine, e. g. Sherry, Port, Muscatel, etc.

(iii) The sub-type designation of the wine, e. g. natural, dry, pale dry, etc.

(iv) The appellation of origin, such as Napa Valley, Livermore Valley, etc.

(v) Alcohol content of wines containing 14% or more alcohol by volume. For wines containing less than 14% alcohol by volume, alcohol content may, but need not be stated.

(vi) For bulk wine, the brand name, if any.

(4) The maximum price f. o. b. processor's premises which applicant proposes to establish for his sales of the wine or related product to each of his classes of customers for each package and case size. If applicant has established maximum prices therefor under sections 4.3, 4.5 or 4.6 for sales to certain of his classes of customers the application shall state such maximum

prices and the classes of customers to which each applies.

NOTE: Proposed maximum prices for sales in packages must be stated f. o. b. processor's premises in carload quantity, including United States excise taxes, for each package size and class of customers applicant desires to sell. Proposed maximum prices for sales in bulk must be stated f. o. b. processor's premises in carload quantity, exclusive of all United States, state or local excise taxes, and if applicant desires to sell in barrels or other containers, shall state the amount included therein for such barrels or containers.

(5) If the processor seeks to establish a special maximum price for non-current wine he shall certify that he is unable to determine an adjusted March 1942 price for the type and quality of wine and shall state all facts pertinent to a determination of the character of the wine and its proper price class, including (but not limited to):

(i) A description of the kinds and varieties of grapes from which such wine is produced, the name of the regions or districts in which such grapes were grown, and a statement of the season in which such grapes were purchased and applicant's costs therefor.

(ii) In the instance of vintage wine, the vintage year thereof.

(iii) In the instance of wine produced by blending component wines, the ages, types and characteristics of the component wines.

(iv) A description of the cellar treatment given to the wine and applicant's cost for such treatment. The description of cellar treatment shall include a statement of the length of time the wine has been aged, the nature of the cooperage used for that purpose, and the fining, stabilization, racking, binning and other cellar treatment given to it, and shall contain a comparison of the methods and costs of such cellar treatment with the methods and costs of cellar treatment given by applicant to current wine, with an explanation of any differences in methods.

(e) *When and how authority is given or denied.*—(1) *Approval of or objection to application.* If within 60 days (including Sundays and holidays) after receipt of the application by the Office of Price Administration, the applicant shall not receive notice of objection to the maximum prices proposed in his application by letter from the Office of Price Administration, he shall be deemed authorized to establish such maximum prices for sales of the wine or related product in the container sizes and to the particular classes of customers described therein: *Provided*, That if within the 60 day period the Office of Price Administration shall by letter request supplemental information with respect to any matter stated in or omitted from the application, that period shall be figured from the date on which the requested supplemental information is received in writing by the Office of Price Administration. The authority so granted may be revoked by the Price Administrator at any time. Upon written request of the applicant received by the Office of Price Administration within 30 days (including Sundays and holidays) after the date of a notice of objection given under this paragraph, the Office of Price Administration

will issue a formal order denying authority to establish the maximum prices requested in his application.

(2) *By order or amendment.* The Price Administrator may, at any time, by order or by amendment to this article establish maximum prices for sales of any type or quality of domestic wine or related product to one or more classes of customers. The maximum prices established by any such order or amendment shall supersede all maximum prices previously authorized under (1) above.

(f) *Compliance with price posting or listing requirements.* Permission to use adjustable pricing and authority to establish maximum prices granted by the Price Administrator pursuant to application under this section, or by order or by amendment to this article shall not authorize an applicant to sell or offer an item for sale until after compliance with provisions of any applicable statute, ordinance or regulation requiring the posting or listing of his prices.

SEC. 4.10 Notice of maximum prices to consumers. (a) Each processor who sells or offers packaged domestic wine for sale to consumers shall adopt before October 22, 1943, and thereafter continue to observe one of the following practices with respect to notifying consumers that prices charged are not in excess of maximum prices established under this article:

(1) *Use of marking on individual containers.* Before delivering an item to a consumer, a processor may mark on the container in plainly visible letters and figures, his selling price for the particular brand and container size (exclusive of retail sales taxes) and a statement that the price so marked is his maximum price under this article or less, and his name and address. The following:

OPA Price \$.....
(insert amount)

.....
(name of processor)

.....
(address of processor)

so written or stamped on a label or on a state or local tax stamp affixed to the container shall be compliance with this requirement.

A processor who is the holder of a license or permit bearing a distinguishing number and issued under an applicable statute or ordinance, authorizing him to make sales of packaged domestic wine to consumers may substitute such license or permit number for the statement of his name and address required hereunder.

(2) *Use of a sales slip or receipt.* At or before delivering any individual container of packaged domestic wine to a consumer, the processor may hand the purchaser a sales slip or receipt setting forth in plainly visible letters and figures:

(i) The brand name, container, size and number of individual containers of each item sold to the purchaser, and

(ii) The selling price of each such individual container, or the total selling price for all such containers (exclusive of retail sales taxes), and

(iii) The name and address of the processor and date of sale.

A processor complying with this requirement shall post and maintain in a place readily visible to consumers mak-

ing purchases in his establishment a legible sign or placard reading substantially as follows:

Prices charged in this store are our OPA ceiling prices to consumers or less (exclusive of retail sales taxes).

(3) *Use of price posting in the processor's establishment.* A processor may post his maximum price for each item sold or offered for sale to consumers according to one of the following methods:

(i) By displaying a list of the names of each brand of packaged domestic wine offered for sale to consumers, his maximum price therefor and a statement that such maximum price is his OPA ceiling price to consumers or less (exclusive of retail sales taxes). When more than one type, quality or container size of a particular brand is offered for sale, each such type, quality or container size and the maximum price thereof shall be separately itemized. Such list may also contain the processor's selling price for each item described therein. The list shall be posted and maintained in a place readily visible to consumers making purchases in the processor's establishment, shall be in letters and figures plainly visible and legible to such consumers and shall be maintained complete and correct. A processor complying with this requirement shall not sell or offer any item for sale to a consumer until the item and his maximum price therefor is so listed.

(ii) Except when prohibited by statute or ordinance, a processor may mark his selling and/or maximum price for each item on the shelf, bin, rack or other holder thereof in letters plainly visible and legible to consumers making purchases in his establishment. A processor complying with this requirement shall so maintain complete and correct markings of his selling and/or maximum prices for all items he offers for sale to consumers and shall not sell or offer an item for sale to a consumer until his selling price therefor is thus marked.

(iii) A processor posting or marking prices in accordance with (i) or (ii) above shall post and maintain in a place readily visible to consumers making purchases in his establishment a legible sign or placard reading substantially as follows:

Prices posted in this store are our OPA ceiling prices to consumers or less (exclusive of retail sales taxes).

(b) The provisions in this section shall not apply to a processor's sales of an unopened case of individual containers or to his prices therefor.

Sec. 4.11 *Other provisions of this regulation applicable to sales for which maximum prices are established under this article.* The following sections of Article VII of this regulation shall apply to sales for which maximum prices are established under this article:

Section 7.1 *Treatment of fractional parts of a cent in figuring maximum prices.*

Section 7.1a *Changes in case sizes.*

Section 7.2 *When a sales tax may be charged in addition to a maximum price.*

Section 7.2a *Treatment of brokers' compensation.*

Section 7.3 *When new taxes, or increases in existing taxes may be added to a maximum price.*

Section 7.3a *Distribution of packaged distilled spirits or wine.*

Section 7.4 *Use of minimum resale prices under State Fair Trade laws.*

Section 7.4a *Maximum prices for sellers for whom no specific provision is made.*

Section 7.5 *Adjustment of maximum prices for tax exempt sales to the United States or any agency thereof.*

Section 7.5a *Deposit charges on containers.*

Section 7.6 *Certain provisions of the General Maximum Price Regulation continued in effect.*

Section 7.6a *Licensing.*

Section 7.7 *Export sales.*

Section 7.7a *Compliance with other laws or regulations.*

Section 7.8 *Compliance with this regulation.*

Section 7.9 *Current records required.*

Section 7.10 *Petitions for amendment.*

Section 7.11 *Adjustable pricing in certain instances.*

Section 7.12 *Definitions.*

Section 7.13 *Geographical applicability.*

[References to Sections 7.2a, 7.4a, 7.5a, 7.6a and 7.7a added by Am. 15, effective 5-8-44]

Sec. 4.12 *Dates on which this article shall apply.* This article shall apply to all sales and offers to sell and deliveries of bulk or packaged California grape wine and related products for which maximum prices are established or provided for therein, made on and after, but not before, October 22, 1943 by any seller subject thereto; except that

(a) This article shall not apply to deliveries made on or before October 31, 1943 pursuant to sales or contracts to sell made prior to October 1, 1943; and

(b) This article shall not apply to any sale which the seller is required by statute, ordinance or regulation to make at a price posted or listed prior to October 7, 1943 with a state or other public authority (if the price so posted or listed is greater or less than that established under this article for such sale) until on and after the first effective date for prices so posted or listed at the first opportunity after October 12, 1943; and

(c) As to a brand, type and kind of bulk or packaged non-current California grape wine for which a processor is permitted by section 4.8 to apply for authority to establish a special maximum price, if the processor gives notice of intention to file such application to the Office of Price Administration, Beverage Section, Washington, D. C., on or before October 22, 1943, and such application is filed in accordance with section 4.9 on or before November 10, 1943, this article shall not apply to the processor's sales, offers to sell or deliveries of such bulk or packaged non-current wine made prior to the sixtieth day after the filing of such application or January 10, 1944, whichever is the earlier date, or to sales of that wine which the seller is required by statute, ordinance or regulation to make at a price posted or listed prior to the appropriate date referred to above with a state or other public authority (if the price so posted or listed is greater or less than that established under this

article for such sale) until on and after the first effective date for prices so posted or listed at the first opportunity after that date.

[Paragraph (c) amended by Am. 7, 8 F.R. 15913, effective 11-22-43 and Am. 11, 9 F.R. 105, effective 12-31-43]

[Sec. 4.12 amended by Am. 6, 8 F.R. 14401, effective 10-21-43]

[Secs. 4.2 through 4.12 added by Am. 8, 8 F.R. 13500, effective 10-7-43]

ARTICLE V—MAXIMUM PRICES FOR SALES OF PACKAGED DISTILLED SPIRITS AND PACKAGED WINE BY WHOLESALERS, RETAILERS, MONOPOLY STATES, AND PRIMARY DISTRIBUTING AGENTS

Sec. 5.1 *Purposes of Article V—(a) Generally.* Article V establishes maximum prices for sales of packaged (but not bulk) distilled spirits and wine by the following persons:

(1) Wholesalers, as defined in section 7.12; (2) Retailers, as defined in section 7.12; (3) Monopoly states, as defined in section 7.12 and (4) Primary distributing agents, as defined in section 7.12; (5) Sales in the course of trade by a trustee in bankruptcy, receiver, administrator, executor, fiduciary or other officer of a court, engaged in continuing a business under a court order; (6) Privately conducted sales and auctions not held pursuant to an order of sale of a State or Federal court; (7) Sheriffs' sales, constables' or bailiffs' sales, marshals' sales and other sales or auctions held under writ or execution; (8) Sales by governmental bodies or agencies, held pursuant to statute, ordinance or both, notwithstanding the provisions of Supplementary Order No. 81.⁹

[Subparagraphs (5), (6), (7), and (8) added by Am. 15, effective 5-8-44]

(b) *Sales to which this Article does not apply.* Article V does not apply to the following sales by those persons:

(1) Sales of items which the seller imports or has imported for his account. Either section 1.4 or 1.5 or 1.7 of Article I (as may be applicable) must be used to establish maximum prices for such sales. However, an importer who prior to August 9, 1943 operated both import and wholesale divisions and had an established practice of selling items to independent wholesalers and billing them to his own wholesale division at prices equal to those he charged independent wholesalers, may while he continues to observe these practices, consider his wholesale division as a separate entity and use the percentage mark-ups provided in Article V to determine maximum prices for sales by his wholesale division. Similarly, an importer who prior to August 9, 1943 operated both wholesale and retail divisions and had an established practice of selling items to independent retailers and billing them to his own retail division at prices equal to those he charged independent retailers, may while he continues to observe those

⁹ 9 F.R. 310.

practices; treat his retail division in a like manner.

(2) Sales of items which the seller processes or has processed for his account. Maximum prices for such sales must be established under other applicable regulations or orders of the Office of Price Administration or under Articles III or IV (as applicable and when effective) of this regulation. However, a processor who prior to August 9, 1943 operated both a processing and a wholesale division and had an established practice of selling items to independent wholesalers and billing them to his own wholesale division at prices equal to those he charged independent wholesalers, may while he continues to observe those practices, consider his wholesale division as a separate entity and use the percentage mark-ups provided in Article V to determine maximum prices for sales by his wholesale division. Similarly, a processor who prior to August 9, 1943 operated both wholesale and retail divisions and had an established practice of selling items to independent retailers and billing them to his own retail division at prices equal to those he charged independent retailers, may while he continues to observe those practices, treat his retail division in a like manner.

[Subparagraphs (1) and (2) as amended by Am. 2, 8 F.R. 13496, effective 10-7-43]

(3) Sales by an "on premise licensee" or other person of distilled spirits or wines, by the drink for consumption on the licensed premises. However this article applies to—

(i) Sales of packaged distilled spirits or wines made to an "on premise licensee" by a wholesaler, retailer, monopoly state or primary distributing agent; and

(ii) Sales of packaged distilled spirits or wines made by an "on premise licensee" regardless of whether the seal or "strip stamp" is broken, if the purchaser is permitted to or does remove any part of the distilled spirits or wine in the container from the licensed premises.

(4) Sales of bulk distilled spirits or wine, brandy, neutral spirits, alcohol, grape spirits, spirits fruit, high wines or concentrates (whether or not by warehouse receipt or other evidence of title.)

[Subparagraphs (3) and (4) as amended by Am. 15, effective 5-8-44]

(c) *Prior regulations, orders and interpretations superseded.* Except as otherwise provided in this regulation, Article V supersedes all other maximum price regulations, orders and interpretations issued by the Office of Price Administration before August 14, 1943, with respect to sales of packaged imported and domestic distilled spirits or wine by any wholesaler, retailer, monopoly state or primary distributing agent, including the applicable provisions of the following:

(1) The General Maximum Price Regulation;

(2) Maximum Price Regulation No. 193, as amended;

(3) Orders Nos. 1 through 5 inclusive under Maximum Price Regulation No. 193;

(4) Article II of Revised Supplementary Regulation No. 14;

(5) Section 2.3 (b) of § 1499.26 of Revised Supplementary Regulation No. 1;

Provided, That such maximum price regulations, orders and interpretations shall remain in effect with respect to a particular sale of packaged distilled spirits or wine by any such person until provisions of this article become applicable thereto.

SEC. 5.2 *General rules for figuring maximum prices*—(a) *When maximum prices are to be figured.* Each wholesaler, retailer, monopoly state and primary distributing agent must figure a maximum price for any item to be sold on and after August 14, 1943 as follows:

(1) *Items in stock at the close of business on August 9, 1943.* Initial maximum prices for each item in stock at the close of business on August 9, 1943 must be figured between August 14, 1943 and August 30, 1943 and will apply to all sales, offers to sell and deliveries of the item made on and after August 30, 1943, unless applicability of such prices to certain sales is delayed by provisions of section 5.10 permitting compliance with state price posting or listing requirements and practices. Until the initial maximum prices for such items become applicable, a wholesaler, retailer, monopoly state and primary distributing agent may continue to sell, offer for sale or deliver those items at maximum prices established under regulations and orders of the Office of Price Administration in effect prior to the issuance of this article.

(2) *Items not in stock at the close of business on August 9, 1943.* Initial maximum prices for each item not in stock at the close of business on August 9, 1943 are to be figured and made applicable before any sale, offer to sell or delivery of the item is made. No wholesaler, retailer, monopoly state or primary distributing agent shall sell, offer for sale or deliver any item not in stock at the close of business on August 9, 1943 until after establishing initial maximum prices for the item in accordance with this article.

(3) *Refiguring maximum prices.* A wholesaler, retailer, monopoly state or primary distributing agent must refigure a maximum price for an item in accordance with this article if cost for the item changes after the maximum price has been established.

(b) *Figuring maximum prices for each item separately.* Each item of packaged distilled spirits or wine to be sold or offered for sale by a wholesaler, retailer, monopoly state or primary distributing agent after August 29, 1943 must have a separate maximum price. An "item" is a particular brand name, container size, type designation or formula of distilled spirits or wine. One item must not be considered the same as another if there is any difference in:

(1) Their brand names, or

(2) Their countries of origin, or

(3) The names of their processors, or
(4) Their container sizes (quarts as compared with fifths, pints as compared with half-pints etc.), or

(5) Requirements of United States labeling laws or regulations applicable to each, with respect to material information contained in their labels. Age, proof, type designation and ingredients as stated on the labels, shall be deemed material information. "Bottled in bond" domestic whiskey shall be deemed to be four years of age where no age statement appears on the labels.

[Subparagraph (5) as amended by Am. 15, effective 5-8-44]

(c) *Customer classifications.* (1) Each wholesaler, retailer and primary distributing agent must establish a separate maximum price for each item to each class of his customers he sells as follows:

(i) *For wholesalers.* Customers are to be classified as retailers, consumers, wholesalers or monopoly states.

(ii) *For retailers.* Customers are to be classified as consumers or retailers.

(iii) *For primary distributing agents.* Customers are to be classified as wholesalers, monopoly states, retailers or consumers.

(2) Industrial users, institutional users and the United States or any agency thereof shall, for sales by wholesalers and primary distributing agents, be classified as retailers. For sales by retailers, they shall be classified as consumers.

(3) Each monopoly state must establish a separate maximum price for its sales of each item according to the types of sale it makes. It must classify a sale to a particular customer in accordance with its March 1942 customary sales classification.

(d) *Discounts, allowances, price differentials and terms of sale.* (1) Customary discounts in effect during March 1942, in accordance with a wholesaler's, retailer's, or primary distributing agent's March 1942 customer classifications, must be applied to his maximum prices established under this article: *Provided*, That discounts and allowances based solely on quantity purchases (in dollars or units) need not be maintained.

(2) If a wholesaler, retailer or primary distributing agent makes his terms of sale to a customer more onerous than those in effect during March 1942 for his sales to a customer of the same class, he must make a compensating reduction from his maximum price established under this article.

(3) If a wholesaler or primary distributing agent directly or indirectly requires a customer to make any payment in advance of delivery (whether to the seller or to another person), he must reduce his maximum price established under this article for that sale by an amount equal to interest at the rate of 5 percent per annum on the amount of the advance payment from the date the payment is made to the date on which the item is delivered or the advance payment refunded to the customer.

(e) *Wholesaler or retailer acting as a primary distributing agent with respect*

to certain items only. A wholesaler or retailer who is a primary distributing agent for certain items shall determine his maximum prices for sales of those items in accordance with provisions of this article applicable to primary distributing agents. He shall determine his maximum prices for sales of other items under the provisions of this article applicable to wholesalers or retailers, as may be the case.

(f) *F. o. b. and delivered prices.* (1) Maximum prices established under this article for a wholesaler, retailer or primary distributing agent are prices f. o. b. the metropolitan area of warehouse or place of business.

(2) Maximum prices established under this article for monopoly states are prices f. o. b. March 1942 freight base zone.

(3) If a wholesaler, retailer, or primary distributing agent sells an item f. o. b. a point of delivery outside the metropolitan area of his warehouse or place of business, he may add to his maximum price for the item established under this article, the charges for transporting the item from that metropolitan area to the point of delivery at the rate he actually pays.

Sec. 5.3 Determination of "net cost" used in figuring maximum prices for wholesalers, retailers and monopoly states—(a) *What purchases may be used to determine net cost.* Except as otherwise provided in this article, a "base purchase" to be used by a wholesaler, retailer, or monopoly state to determine net cost of an item must be a purchase by him from a customary type of supplier delivered by a customary means of transportation. No accommodation purchase (whether or not from a customary type of supplier) shall be used as a base purchase in determining net cost of an item. Purchases made on memorandum invoice or purchases of small quantities of an item at exceptional prices to fill a shortage are accommodation purchases. No purchase (whether or not from a customary type of supplier) to fill an order of the United States or any agency thereof shall be used as a base purchase.

NOTE: For a definition of "customary type of supplier" see section 7.12.

(b) *Elements of net cost.* The net cost to be used by a wholesaler, retailer or monopoly state to determine a maximum price is the total of the following elements of cost actually paid by him with respect to a particular base purchase of the item to be priced:

(1) *Purchase price.* The supplier's selling price per case (not in excess of his maximum price under applicable regulations or orders of the Office of Price Administration), less all discounts,

[Subparagraph (1) as amended by Am. 15, effective 5-8-44]

(i) Excepting any discount for prompt payment (cash discount); but

(ii) Including any amount subtracted from the supplier's maximum price to compensate for discontinuance of a discount for prompt payment.

(2) *Freight.* Transportation charges from the supplier's point of shipment to

the wholesaler's, retailer's, or monopoly state's customary receiving point for the item, at the rate paid. No amount shall be included for

(i) Any transportation charges from point of shipment included in the supplier's selling price; or

(ii) Expense of hauling, drayage or handling within the metropolitan area of the shipping or receiving point: *Provided*, That a monopoly state may include such portion of that expense as it customarily included during March 1942 in determining cost for purposes of mark-up.

(3) *Taxes and United States customs duties—*(i) *For wholesalers and retailers.* United States customs duties and United States state and local excise taxes at rates in effect on November 2, 1942, if not included in the supplier's selling price.

(ii) *For monopoly states.* United States customs duties and United States excise taxes at rates in effect on March 31, 1942, if not included in the supplier's selling price, and any state taxes at rates in effect on March 31, 1942, customarily included during March 1942 in determining cost for applying mark-up.

(4) *License, income, franchise, receipts, gross receipts, sales, use or other similar Federal, State or local taxes cannot be included in the net cost of a wholesaler, retailer, or monopoly state.*

[Subparagraph (4) added by Am. 15, effective 5-8-44. Note deleted by Am. 15]

Sec. 5.4 Maximum prices for wholesalers.

[Note deleted by Am. 15, effective 5-8-44]

(a) *Generally.* A wholesaler must establish his maximum prices to each class of customers as follows:

(1) *For initial maximum prices—*use paragraph (b). A base purchase made between August 9, 1943 and August 30, 1943 may be used to figure initial maximum prices. A wholesaler is not required to establish a refigured maximum price for an item until he makes a base purchase thereof after August 29, 1943.

[Last two sentences added by Am. 15, effective 5-8-44]

(2) *For a refigured maximum price* if net cost for the item changed after August 29, 1943—use paragraph (c).

(3) *A wholesaler who is the processor or primary distributing agent of an item must not use this section to determine maximum prices for that item unless permitted to do so by other provisions of this regulation.*

[Subparagraph (3) added by Am. 15, effective 5-8-44]

(b) *Initial maximum prices—*(1) *For sales to retailers.* A wholesaler's initial maximum price per case to retailers shall be his net cost per case (figured according to section 5.3) for his latest base purchase of the item, or if he made no base purchase of the item since March 1942, his net cost per case (figured according to section 5.3) for his most recent purchase of the item from any supplier, mul-

tiplied by the percentage mark-up for the item being priced as follows:

(i) 1.15 for distilled spirits other than cordials, liqueurs and specialties.

(ii) 1.25 for wine, wine based cordials and other rectified wines.

(iii) 1.20 for cordials, liqueurs and specialties to which (ii) does not apply; *Provided*, That any Regional Office of the Office of Price Administration may, by order, adjust downward the percentage mark-up so established for sales of one or more of such classes of commodities in any state within its jurisdiction, if it appears that such percentage mark-up will permit wholesalers in such state to obtain an excessive margin. In determining whether or not margins are excessive, the appropriate office shall consider margins prevailing in the particular state for wholesalers during March 1942 and the amounts of the costs to which they were applied. A percentage mark-up provided by any such order of a Regional Office shall have the same force and effect as if expressly provided herein for the particular sales to which it is applicable.

[Subparagraph (1) as amended by Am. 1, 8 F.R. 11851, effective 8-25-43]

(2) *For sales to consumers.* A wholesaler's initial maximum price per case to a consumer shall be his net cost per case (figured according to section 5.3) for his latest base purchase of the item, or if he has made no base purchase of the item since March 1942, his net cost per case (figured according to section 5.3) for his most recent purchase of the item from any supplier, multiplied by the percentage mark-up provided in section 5.5 for sales of the same item by retailers to consumers.

(3) *For sales to a monopoly state.* A wholesaler's initial maximum price per case to a monopoly state shall be his net cost per case (figured according to section 5.3) for his latest base purchase of the item, or if he has made no base purchase of the item since March 1942, his net cost per case (figured according to section 5.3) for his most recent purchase of the item from any supplier. No mark-up shall be added for such sales.

(4) *For sales to another wholesaler.* A wholesaler's initial maximum price per case to another wholesaler shall be his maximum price per case provided in (1) above for sales of the particular container size to retailers, subject to any discount, allowance or price differential agreed upon. When making such sale the seller shall, at or before delivery of the item, give the buyer a notice in writing stating the seller's maximum price per case for the item to retailers and to consumers. A statement on the invoice substantially as follows shall be deemed compliance with this requirement:

Our ceiling prices per case to retailers for the above items are:

Item:	Maximum Price
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Our ceiling prices per case to consumers for the above items are:

Item:	Maximum Price
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A wholesaler's maximum price per case to any class of customers for an item purchased by him from another wholesaler shall not exceed the higher of

(i) His own maximum price for the item to a customer of the particular class figured according to the applicable provisions of this section, or

(ii) With respect to sales to retailers or consumers, the supplier's maximum price for a sale of the item to a customer of the particular class as stated in such notice plus freight for shipment from the selling wholesaler paid by the purchasing wholesaler. No markup on the amount of such freight may be added.

[Subparagraph (ii) as amended by Am. 15, effective 5-8-44. Note deleted by Am. 15]

(5) *For individual containers.* A wholesaler's initial maximum price for individual containers of an item to any class of customers shall be an amount determined by dividing his initial maximum price per case to a customer of the same class by the number of individual containers customarily packed in the case by his supplier: *Provided*, That, if a retailer has elected to purchase individual containers after a wholesaler has expressly given him the alternative of purchasing a case of the item at the wholesaler's maximum price per case for the particular container size, the wholesaler may add to his maximum price for individual containers to be sold to that retailer one of the following amounts according to the particular container size:

- 4 cents per container, if the container size is a gallon, half gallon, quart or fifth;
- 2 cents per container, if the container size is a pint or tenth;
- 1 cent per container, if the container size is a half-pint.

(c) *Changes in maximum prices—(1) How long particular maximum prices continue in effect.* A wholesaler's initial maximum prices and refigured maximum prices for an item shall apply to all his sales and offers to sell of the item so priced made prior to the date on which subsequently refigured maximum prices for sales thereof became applicable in accordance with (4) of this paragraph.

(2) *When a wholesaler must refigure his maximum prices.* A wholesaler who after August 29, 1943 receives a base purchase of an item shall figure his net cost therefor according to section 5.3. If such net cost per case differs from the net cost per case for the base purchase used in establishing the wholesaler's maximum prices then in effect for the item, the wholesaler may, if the most recent purchase shows the greater total and he must, if the most recent purchase shows the lesser total, establish refigured maximum prices for the item: *Provided*, That if the difference in net cost is 15 cents per case or less, the wholesaler shall not establish refigured maximum prices.

(3) *How a wholesaler must refigure his maximum prices.* A wholesaler required or permitted by this paragraph to establish refigured maximum prices for an item shall determine such prices under paragraph (b) of this section, substituting however, the net cost for his most

recent base purchase for the net cost of his earlier base purchase.

(4) *When refigured maximum prices become applicable.* His refigured maximum prices determined under this paragraph shall apply to stock on hand and shall be the wholesaler's maximum prices for sales of the item on and after, but not before, the 4th day (exclusive of Sundays and holidays) following receipt of the base purchase to be used to establish such refigured maximum prices, until in turn superseded by other refigured maximum prices subsequently determined: *Provided*, That until on and after the earliest effective date for prices posted or listed at the first opportunity after the 4th day (exclusive of Sundays and holidays) after receipt of such base purchase, refigured maximum prices shall not apply to any sale which a wholesaler is required by statute, ordinance or regulation to make at a price posted or listed with a state or other public authority before receipt of the base purchase.

Sec. 5.5 *Maximum prices for retailers.*
[Note deleted by Am. 15, effective 5-8-44]

(a) *Generally.* A retailer must establish his maximum prices to each class of customers as follows:

(1) For initial maximum prices—use paragraph (b). A base purchase made between August 9, 1943, and August 30, 1943, may be used to figure initial maximum prices. A retailer is not required to establish a refigured maximum price for an item until he makes a base purchase thereof after August 29, 1943.

[Last two sentences added by Am. 15, effective 5-8-44]

(2) For a refigured maximum price if net cost for the item changes after August 29, 1943—use paragraph (c).

(3) A retailer who is the processor or primary distributing agent of an item must not use this section to determine maximum prices for that item unless permitted to do so by other provisions of this regulation.

[Subparagraph (3) added by Am. 15, effective 5-8-44]

(b) *Initial maximum prices—(1) For sales to consumers.* A retailer's initial maximum price per case to consumers shall be his net cost per case (figured according to section 5.3) for his latest base purchase of the item or if he made no base purchase of the item since March 1942, his net cost per case (figured according to section 5.3) for his most recent purchase of the item from any supplier, multiplied by the percentage mark-up for the item being priced as follows:

(i) 1.333 for distilled spirits other than cordials, liqueurs and specialties.
(ii) 1.50 for wines, wine based cordials and other rectified wines.

(iii) 1.45 for cordials, liqueurs and specialties to which (ii) does not apply:

Provided, That any Regional Office of the Office of Price Administration may by order adjust downward the percentage mark-up so established for sales of one or more of such classes of commodities in

any state within its jurisdiction, if it appears that such percentage mark-up will permit retailers in such state to obtain an excessive margin. In determining whether or not margins are excessive the appropriate office shall consider margins prevailing in the particular state for retailers during March 1942 and the amounts of the costs to which they were applied. A percentage mark-up provided by any such order of a Regional Office shall have the same force and effect as if expressly provided herein for the particular sales to which it is applicable.

[Subparagraph (1) as amended by Am. 1, 8 F.R. 11851, effective 8-25-43]

(2) *For sales to another retailer.* A retailer's initial maximum price per case to another retailer shall be his net cost per case (figured according to section 5.3) for his latest base purchase of the item, or if he made no base purchase of the item since March 1942, his net cost per case (figured according to section 5.3) for his most recent purchase of the item from any supplier. No mark-up shall be added for such sales.

(3) *For individual containers.* A retailer's maximum price to consumers or to another retailer for individual containers of an item shall be an amount determined by dividing his initial maximum price per case to consumers or to another retailer respectively by the number of individual containers customarily packed in the case by his supplier.

[Note deleted by Am. 15, effective 5-8-44]

(c) *Changes in maximum prices—(1) How long particular maximum prices continue in effect.* A retailer's initial maximum prices and refigured maximum prices for an item shall apply to all his sales and offers to sell of the item so priced made prior to the date on which subsequently refigured maximum prices for sales thereof become applicable in accordance with (4) of this paragraph.

(2) *When a retailer must refigure his maximum prices.* A retailer who after August 29, 1943, receives a base purchase of an item shall figure his net cost therefor according to section 5.3. If such net cost per case differs from the net cost per case for the base purchase used in establishing the retailer's maximum prices then in effect for the item, the retailer may, if the most recent purchase shows the greater total and he must, if the most recent purchase shows the lesser total, establish refigured maximum prices for the item: *Provided*, That if the difference in net cost is 15 cents per case or less, the retailer shall not establish refigured maximum prices.

(3) *How a retailer must refigure his maximum prices.* A retailer required or permitted by this paragraph to establish refigured maximum prices for an item shall determine such prices under paragraph (b) of this section, substituting however, the net cost for his most recent base purchase for the net cost of his earlier base purchase.

(4) *When refigured maximum prices become applicable.* His refigured maximum prices determined under this paragraph shall apply to stock on hand and

shall be the retailer's maximum prices for sales of the item on and after, but not before, the 4th day (exclusive of Sundays and holidays) following receipt of the base purchase to be used to establish such refigured maximum prices, until in turn superseded by other refigured maximum prices subsequently determined: *Provided*, That until on and after the earliest effective date for prices posted or listed at the first opportunity after the 4th day (exclusive of Sundays and holidays) after receipt of such base purchase, refigured maximum prices shall not apply to any sale which a retailer is required by statute, ordinance or regulation to make at a price posted or listed with a state or other public authority before receipt of the base purchase.

Sec. 5.6 *Maximum prices for monopoly states*—(a) *Generally*. A monopoly state must establish its maximum prices as follows:

(1) For initial maximum prices—use paragraph (b).

(2) For a refigured maximum price if net cost for the item changes after August 29, 1943—use paragraph (c).

(b) *Initial maximum prices*. To figure its initial maximum price per case for an item a monopoly state shall:

(1) Multiply its net cost per case (figured according to section 5.3) for its most recent base purchase of the item (or if it made no base purchase of the item since March 1942, the net cost for its most recent purchase of the item from any supplier) by the highest percentage in use for the item during March, 1942, according to the statute, ordinance or regulation then prescribing its mark-up;

(2) Add to the figure at (1): (i) The applicable increase effective November 1, 1942 in United States excise taxes.

(ii) Any applicable state taxes in effect on November 2, 1942, customarily included in its price during March, 1942, to the extent that the amount thereof is not included in net cost;

(3) The resulting amount shall be the monopoly state's maximum price for sales of the item per case to the class of customers to which, during March 1942, the percentage used under (1) above applied.

(4) Where the monopoly state during March 1942, used its price to the class of customers figured on the percentage applied under (1) above as a base price, and determined its price to other classes of customers by applying a discount to, reducing or increasing that base price by an established method, its maximum prices for sales to those other classes of customers shall be determined by reducing or increasing the resulting amount under (3) in accordance with the same method.

(5) A monopoly state's initial maximum price for individual containers to any class of customers shall be its maximum price per case to a customer of the same class transformed into a price for individual containers in accordance with the method customarily used by the monopoly state during March 1942, to determine its price for individual containers.

(6) A monopoly state's initial maximum prices shall be its maximum prices for all its sales of an item made on and after, but not before, the effective date of its complete or supplementary price list first promulgated after August 29, 1943.

(c) *Changes in maximum prices*—(1) *How long particular maximum prices remain in effect*. A monopoly state's initial maximum prices and refigured maximum prices for an item shall apply to all its sales and offers to sell of the item so priced made prior to the date on which subsequently refigured maximum prices for sales thereof become applicable in accordance with (4) of this paragraph.

(2) *When a monopoly state must refigure its maximum prices*. A monopoly state which after August 29, 1943, receives a base purchase of an item shall, or upon acceptance of an official offer of an item, it may determine its net cost therefor according to section 5.3. If such net cost per case differs from the net cost per case of the base purchase used in establishing its maximum prices then in effect for the item, the monopoly state may, if the most recent purchase shows the greater total, and it must, if the most recent offer or purchase shows the lesser total, establish refigured maximum prices for the item; *Provided*, That if the difference in net cost is 15 cents per case or less, the monopoly state shall not establish refigured maximum prices.

(3) *How a monopoly state must refigure its maximum prices*. A monopoly state required or permitted by this paragraph to establish refigured maximum prices for an item shall determine such prices under paragraph (b) of this section, substituting, however, its net cost for the most recent offer or base purchase for the net cost of its earlier base purchase.

(4) *When refigured maximum prices become applicable*. Its refigured maximum prices determined under this paragraph shall be the monopoly state's maximum prices for sales of the item made on and after, but not before, the effective date of its complete or supplementary price list first promulgated after the 7th day (excluding Sunday and holidays) following receipt of the official offer or the invoice for the particular base purchase to be used.

(d) *Disposition of fractional parts of a cent and rounding prices to an even 5 cents*. (1) In determining its initial or refigured maximum prices under this section a monopoly state shall follow its customary March 1942 practice with reference to disposition of fractional parts of a cent and shall reduce or may increase its maximum price in accordance therewith.

(2) If during March 1942, a monopoly state customarily followed the practice of rounding its prices to a sum divisible by 5, it may continue to follow that practice by reducing or increasing its maximum prices for any item in accordance with its customary March 1942 practice.

Sec. 5.7 *Maximum prices for primary distributing agents*.

[Note deleted by Am. 15, effective 5-8-44]

(a) *Generally*. A primary distributing agent must establish maximum

prices to each class of customers as follows:

(1) For initial maximum prices—use paragraph (b)

(2) For a refigured maximum price if elements of cost for the item change after August 29, 1943—use paragraph (c).

(3) This section applies only to sales of an item for which the seller acts as a primary distributing agent.

[Subparagraph (3) added by Am. 15, effective 5-8-44]

(b) *Initial maximum prices*. A primary distributing agent's initial maximum price per case for an item shall be as follows:

(1) *Sales to wholesalers and monopoly states*. The total of the following:

(i) *Supplier's charge*. A supplier's charge according to the item being priced as follows:

(a) *Packaged imported distilled spirits and packaged imported wine*. The importer's maximum price per case for a sale of the item to a wholesaler or monopoly state respectively as established under Article I of this regulation.

(b) *Packaged domestic distilled spirits and packaged domestic wine*. The processor's maximum price per case for a sale of the item to a wholesaler or monopoly state (as may be the case) as established under other applicable regulations or orders of the Office of Price Administration or under Article III or IV (as applicable and when effective) of this regulation.

(ii) *Freight*. Transportation charges per case from the supplier's point of shipment to the primary distributing agent's customary receiving point for the item at the rate the primary distributing agent paid. No amount shall be included for

(a) Transportation charges on items sold f. o. b. supplier's shipping point and shipped directly to the customer at the customer's expense; or

(b) Any transportation charges from point of shipment included in the supplier's charge; or

(c) Expense of hauling, drayage or handling within the metropolitan area of the shipping or receiving point.

(iii) *Taxes and United States customs duties*. The applicable amount per case of United States customs duties and United States, state or local excise taxes, all at rates in effect on November 2, 1942, if not included in the supplier's charge. License, income, franchise, receipt, gross receipts, sales, use or other similar federal, state or local taxes may not be included.

[Last sentence added by Am. 15, effective 5-8-44. Note deleted by Am. 15]

(2) *For sales to retailers*. A primary distributing agent's initial maximum price per case to retailers shall be his initial maximum price per case for sales to wholesalers and monopoly states, established under (1) above, multiplied by the percentage mark-up provided under section 5.4 for a sale of the item by wholesalers to retailers. His initial maximum price to retailers for individual containers shall be an amount fig-

Section 7.2a Treatment of brokers compensation.

Section 7.3 When new taxes, or increases in existing taxes may be added to a maximum price.

Section 7.3a Distribution of packaged distilled spirits or wine.

Section 7.4 Use of minimum resale prices under State Fair Trade Laws.

Section 7.4a Maximum prices for sellers for whom no specific provision is made.

Section 7.5 Adjustment of maximum prices for tax exempt sales to the United States or any agency thereof.

Section 7.5a Deposit charges on containers.

Section 7.6 Certain provisions of the General Maximum Price Regulation continued in effect.

Section 7.6a Licensing.

Section 7.7 Export sales.

Section 7.7a Compliance with other laws or regulations.

Section 7.8 Compliance with this Regulation.

Section 7.9 Current records required.

Section 7.10 Petitions for amendment.

Section 7.11 Adjustable pricing in certain instances.

Section 7.12 Definitions.

Section 7.13 Geographical applicability.

[References to Sections 7.1a, 7.2a, 7.4a, 7.5a, 7.6a, and 7.7a added by Am. 15, effective 5-8-44]

SEC. 5.10 Application for authority to establish maximum prices—(a) Who is permitted or required to file an application for authority to establish maximum prices by authorization. Any seller whose maximum price for an item of packaged distilled spirits or wine are established by this article and for whom no other maximum price or pricing method is provided in this article, shall make application to the Office of Price Administration, Beverage Section, Washington, D. C. for authority to establish such maximum price. After such application is filed the Price Administrator may establish a maximum price for such sale by order or by amendment to this regulation. Such order may be revoked or amended by the Price Administrator at any time.

(b) Prohibited sales. Any seller making application under this section for sales of an item of packaged distilled spirits or wines shall not, prior to the date on which that authority is granted sell, offer to sell, or deliver the item that is the subject of the application.

(c) Contents of application. The application shall be by letter, signed by the seller or his authorized agent, and sent in duplicate to the Office of Price Administration, Beverage Section, Washington, D. C., by registered mail, return receipt requested. It shall contain the following:

(1) The seller's name and address, and the name and address of the person signing the application.

(2) A statement that the application is filed under section 5.10 of Maximum Price Regulation No. 445.

(3) A statement of the reasons for his inability to establish a maximum price under other provisions of this article.

(4) A description of the items which are the subject of the application, stating with respect to each item the following information:

(i) Brand name.

(ii) Formula.

(iii) Container size.

(iv) Classification or subclassification of identity.

(v) A statement showing the source of applicant's supply of the items to be priced and where applicable his net cost for such items.

(vi) A statement of the class of customers applicant proposes to sell.

[Sec. 5.10 added, former 5.10 redesignated 5.11 by Am. 15, effective 5-8-44]

SEC. 5.11 Dates on which this article shall apply. This article, except as otherwise provided, shall apply to all sales or offers to sell of packaged imported or domestic distilled spirits or wine made by a wholesaler, retailer, monopoly state, or primary distributing agent on and after August 30, 1943: *Provided*, That this article shall not apply to any sale which a wholesaler, retailer or primary distributing agent is required by statute, ordinance, or regulation to make at a price posted or listed prior to August 14, 1943, with a state or other public authority (if the price so posted or listed is greater or less than that established by this Article for such sale) until on and after the first effective date for prices so posted and listed at the first opportunity after August 19, 1943.

[Sec. 5.11, formerly 5.10, as amended by Am. 1, 8 F.R. 11851, effective 8-25-43]

ARTICLE VI—MAXIMUM PRICES FOR CERTAIN SERVICES RELATING TO THE PRODUCTION OF DOMESTIC DISTILLED SPIRITS AND WINE

SEC. 6.1 Purposes of Article VI—(a) Generally. Article VI establishes maximum prices for certain services supplied in connection with the production, sale and distribution of domestic distilled spirits and wine. Maximum prices for services other than those specifically provided for herein shall be determined in accordance with the provisions of the General Maximum Price Regulation or Revised Maximum Price Regulation No. 165,¹ as may be applicable.

(b) Prior regulations, orders and interpretations superseded. Except as otherwise provided in this regulation Article VI supersedes all other maximum price regulations, orders and interpretations issued by the Office of Price Administration prior to October 7, 1943, with respect to the services for which it establishes maximum prices, including the applicable provisions of the following:

(1) The General Maximum Price Regulation;

(2) Revised Maximum Price Regulation No. 165;

(3) Section 1499.26 (b) (16) of Revised Supplementary Regulation No. 11: *Provided*, That such maximum price regula-

tions, orders and interpretations shall remain in force with respect to a particular transaction until the provisions of this article become applicable thereto pursuant to section 6.5.

[Sec. 6.1 added by Am. 8, 8 F.R. 13500, effective 10-7-43. Former Sec. 6.1 revoked by Am. 3]

SEC. 6.2 General rules for figuring maximum prices under this article. (a) Unless otherwise specifically provided, the maximum price established by this article for a particular service is the highest price that may be charged for that service by the person who supplies or causes it to be supplied. Such maximum price shall not be evaded or avoided by splitting the performance of the service into component elements and charging separate prices for each element which in the aggregate, exceed the maximum price for the entire service.

(b) Prices charged for a service for which a maximum price is provided by this article shall, in each instance, be separately stated in the seller's invoice. Where such service is supplied as part of, or in conjunction with the supply of another service to which this article does not apply, the price charged for such other service shall not exceed the seller's maximum price therefor established under other applicable regulations or orders of the Office of Price Administration.

(c) [Revoked]

(d) [Revoked]

[Paragraphs (c) and (d) revoked by Am. 15, effective 5-8-44]

SEC. 6.3 Maximum prices for specified services. A seller's maximum price for any service listed below shall be as follows:

(a) Buying services and maximum price—(1) Commission, brokerage or fee for procuring a seller of, or for buying for the account of another, grapes, fruits or berries for winery or distillery use, 50 cents per ton of grapes, fruit, or berries purchased for delivery to the winery or distillery.

(2) Commission, brokerage or fee for procuring a seller or buyer of bulk domestic grape spirits, bulk domestic neutral brandy, bulk domestic spirits-fruit, or bulk California grape wine, or for procuring a processor to convert grapes into California grape wine, 5% of the seller's billing price (not in excess of his maximum price) for the commodity or service sold.

(3) Commission, brokerage or fee for procuring a seller or buyer of packaged California grape wine, 5% of the seller's billing price (not in excess of his maximum price) for the quantity sold but not in excess of 50 cents per case.

(4) [Revoked]

[Subparagraph (4) added by Am. 9, 8 F.R. 17415, effective 1-6-44, amended by Am. 11, 9 F.R. 105, effective 12-31-43, and revoked by Am. 15, effective 5-8-44]

(b) Services related to the production of California grape wine and maximum price—(1) Converting grapes into unfinished California grape wine (including weighing of grapes, crushing, pressing, fermenting, distilling or furnishing fortifying spirits, fortifying, cooking,

¹ 7 F.R. 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9785, 9971, 9972, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782, 5681, 5755, 5933, 6364, 8506, 8878, 10671, 10939, 11754, 12023, 12710, 13302, 13472, 14990; 9 F.R. 1819.

racking, cellar treatment necessary to effect stabilization, storage to the March 31st (but not exceeding 180 days) following the date of crushing, and loading the bulk unfinished wine into tank cars or tank trucks: A price according to the type of wine as follows: *Red table wine*: \$9.00 per ton of grapes weighed and crushed, or 6 cents per gallon of wine delivered, whichever is the lower. *White table wine*: \$10.00 per ton of grapes weighed and crushed, or 8 cents per gallon of wine delivered, whichever is the lower. *Dessert wine*: \$8.00 per ton of grapes weighed and crushed, or 10 cents per gallon of wine delivered, whichever is the lower.

(2) Finishing of California grape wine by the person who converts the grapes into the unfinished wine, including storage to the March 31st (not exceeding 180 days) following date of crushing: A price according to the type of wine as follows: *Table wine*: 2½ cents per gallon of wine delivered to the person for whom the service is performed. *Dessert wine*: 1½ cents per gallon of wine delivered to the person for whom the service is performed.

(3) Finishing of California grape wine by the person who did not convert the grapes into the unfinished wine (not including storage charges): A price according to the type of wine as follows: *Table wine*: 2½ cents per gallon of wine delivered to the person for whom the service is performed. *Dessert wine*: 1½ cents per gallon of wine delivered to the person for whom the service is performed.

NOTE: Finishing includes giving the wine the cellar treatment generally recognized as necessary to make stabilized unfinished wine into finished wine suitable for packaging.

(4) Storage of California grape wine in cooperage or tanks of the person converting the grapes into the wine stored, ¼ cent for each 30 days of storage after the March 31st or 180 days (whichever is earlier) following date of crushing.

(5) Storage of California grape wine in cooperage or tanks of persons who did not convert the grapes into the wine stored (other than storage in public warehouses), ¼ cent for each 30 days of storage (cost of unloading and loading out is included in this rate).

NOTE: The maximum price for storage of California grape wine does not include field warehouse charges (other than for storage) if any, which may be added at legally established rates, or taxes on the commodity stored, or premiums on policies of insurance protecting the owner thereof.

(6) Barreling of California grape wine for shipment in barrels, 2 cents per gallon of wine barreled and shipped in barrels.

NOTE: The maximum price for barreling does not include the cost of cooperage. If the seller performing the service furnishes cooperage which upon delivery to the person for whom the service is performed, becomes that person's property, the seller may add a charge for the barrels not in excess of his maximum price therefor.

(7) Packaging and casing California grape wine: A maximum price per case determined under other applicable regulations and orders of the Office of Price Administration.

(c) *Services related to the production of distilled spirits*—(1) Distilling grape spirits, spirits-fruit or neutral brandy from:

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>(i) Grapes or raisins—
(i) Fruits or berries, (except grapes and raisins), including fresh, dried, canned, frozen or other processed or partially processed forms and including culls, clippings, skins, waste and other commodities (except juices) permitted to be distilled under Food Distribution Order No. 69 issued by the War Food Administration.
(iii) Juices of grapes, fruits and berries as described in (i) and (ii).
(iv) Other distilling materials including wine, wine wash, pomace wash, lees wine, brandy, and other distilling materials in liquid form.</p> | <p><i>Maximum price</i>
20 cents per proof gallon distilled and delivered.

20 cents per proof gallon distilled and delivered.</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|

NOTE: Maximum prices under (1) include unloading and handling the distilling material and loading the product into tank cars or tank trucks, drums or other containers. If the distiller furnishes the drums or other containers which upon delivery to the person for whom the distilling service is performed, become that person's property the seller may add a charge for such containers not in excess of his maximum price therefor.

(2) Packaging and casing distilled spirits: A maximum price per case determined under other applicable regulations and orders of the Office of Price Administration.

SEC. 6.4 *Other provisions of this regulation applicable to transactions for which maximum prices are established by this article.* The following sections of Article VII of this regulation shall apply to transactions for which maximum prices are established by this article:

Section 7.1 *Treatment of fractional parts of a cent in figuring maximum prices.*

Section 7.1a *Changes in case sizes.*

Section 7.2 *When a sales tax may be charged in addition to a maximum price.*

Section 7.2a *Treatment of brokers' compensation.*

Section 7.3 *When new taxes, or increases in existing taxes may be added.*

Section 7.4a *Maximum prices for sellers for whom no specific provision is made.*

Section 7.5 *Adjustment of maximum prices for tax exempt sales to the United States or any agency thereof.*

Section 7.5a *Deposit charges on containers.*

Section 7.6 *Certain provisions of the General Maximum Price Regulation continued in effect.*

Section 7.6a *Licensing.*

Section 7.7a *Compliance with other laws or regulations.*

Section 7.8 *Compliance with this regulation.*

Section 7.9 *Current records required.*

Section 7.10 *Petitions for amendment.*

Section 7.11 *Adjustable pricing.*

Section 7.12 *Definitions.*

Section 7.13 *Geographical applicability.*

[References to Sections 7.1a, 7.2a, 7.4a, 7.5a, 7.6a and 7.7a added by Am. 15, effective 5-8-44]

SEC. 6.5 *Dates on which this article shall apply.* This article shall apply to

every sale, supply, delivery or offer to sell, supply or to deliver any of the services specified therein on and after October 7, 1943.

[Sections 6.2 through 6.5 added by Am. 3, 8 P.R. 13500, effective 10-7-43]

ARTICLE VII—GENERAL PROVISIONS APPLICABLE TO PERSONS SUBJECT TO THIS REGULATION AND TO MAXIMUM PRICES ESTABLISHED HEREUNDER

SEC. 7.1 *Treatment of fractional parts of a cent in figuring maximum prices.* Fractional parts of a cent, except as otherwise provided in this regulation, shall be treated as follows in figuring maximum prices:

(a) Amounts computed in the process of, or as a step in figuring a maximum price (other than the maximum price itself) need not be carried to more than four decimal places (hundredths of a cent). Any further fraction shall be disregarded.

(b) When the charging of the exact maximum price established under this regulation requires the use of a fractional part of a cent, that maximum price may be increased to the next higher full cent, if the fraction is ½ cent or more, and shall be reduced to the next lower full cent, if the fraction is less than ½ cent.

SEC. 7.1a *Changes in case sizes.* In any instance where the case size of an item covered in this regulation is changed to contain a greater (not in excess of a total of 15 wine gallons) or lesser number of individual containers of the same item, the seller shall determine his maximum price per case of the item in the new case size as follows:

(a) Divide the maximum price per case for the item in the customary case size by the number of individual containers customarily packed in such case, and

(b) Multiply the figure so obtained by the number of individual containers packed in the new case size.

[Sec. 7.1a added by Am. 9, 8 P.R. 17415, effective 1-6-44]

SEC. 7.2 *When a sales or gross receipts tax may be charged in addition to a maximum price.* (a) Any seller (other than a monopoly state) may charge and collect, in addition to his maximum price for an item or a service established under this regulation, the amount of any tax upon the sale of the item, or the supplying of the service, or upon the gross receipts from either, now or hereafter imposed by any statute of the United States, or any statute or ordinance of any state or subdivision thereof, if:

[Section heading and paragraph (a) as amended by Am. 15, effective 5-8-44]

(1) The statute or ordinance imposing such tax does not prohibit the seller from separately stating and collecting the amount thereof, and he does separately state and collect it; or

(2) The amount of the tax has been separately stated and collected from the seller by a prior vendor, and

(i) The statute or ordinance imposing such tax does not prohibit the seller from separately stating and collecting the amount thereof, and

(ii) He does separately state and collect it.

(b) Any monopoly state may charge and collect, in addition to its maximum price for an item or service established under this regulation, the amount of any tax upon the sale of the item now or hereafter imposed by any statute of the United States or of that state.

Sec. 7.2a Treatment of brokers compensation. (a) Every broker shall be considered as the agent of the seller and not the agent of the buyer. In each case the amount paid by the buyer to the seller plus any amount paid by the buyer to the broker shall not exceed the seller's maximum price plus allowable transportation charges actually paid by the seller or by the broker. The term "broker" includes a "finder", "buyer's agent" and "seller's agent".

(b) The provisions of paragraph (a) shall not apply to:

(1) Brokers participating in the sale of California grape wine by the processor thereof to a purchaser from that processor, provided the services performed by the broker were customarily performed by brokers and separately paid for by buyers during March 1942.

(2) Brokers participating in the purchase of imported distilled spirits or wine by an importer thereof from a foreign supplier other than a supplier located in a territory or possession of the United States.

(c) No person may charge or receive and no person may pay to a broker a fee for his services in excess of the maximum price established for such services by this regulation or by any other applicable order or regulation of the Office of Price Administration.

(d) No person may increase a maximum price established for him under this regulation by reason of having paid a fee to a broker, nor may such fee or any part thereof be included as an element of "net cost" by sellers required to determine "net cost" in computing their maximum price.

[Sec. 7.2a added by Am. 15, effective 5-8-44]

Sec. 7.3 When new taxes or increases in existing taxes may be added to a maximum price. Any seller (including a monopoly state) may charge and collect, in addition to his maximum price for an item or a service established under this regulation:

(a) **New taxes.** The applicable amount of United States customs duties and United States state or local excise taxes first imposed thereon by statute effective after November 2, 1942.

(b) **Increase in tax in effect on November 2, 1943.** The applicable amount of any increase effective after November 2, 1942 in United States, state or local excise taxes then imposed thereon.

[Paragraphs (a) and (b) as amended by Am. 15, effective 5-8-44]

Provided, That the amount of any such new tax, or increase in tax is paid by the seller to the taxing authorities or to a prior vendor, and **Provided further,** That no seller shall include a mark-up on the amount of any tax he is authorized to charge and collect under this section.

(c) **Treatment of increase effective April 1, 1944, in United States excise taxes.** (1) On and after April 1, 1944, every seller must state upon each invoice to any class of customers (except monopoly states and consumers) that the prices stated in the invoice include the increase effective April 1, 1944, in United States excise taxes or the 1944 floor stocks tax and that no markup may be applied to the amount thereof. A statement in substantially the following language upon the face of the invoice shall be deemed compliance with this section:

"Our invoice prices include the increase effective April 1, 1944, in United States excise taxes or the 1944 floor stocks tax. OPA regulations prohibit a markup on the amount thereof."

Reference to floor stocks tax may be eliminated from the invoice after the seller has disposed of all merchandise upon which floor stocks tax was paid by him or by a prior vendor.

(2) For sales to monopoly states sellers of distilled spirits or wines who were heretofore required to separately state the amount of any tax which became effective after March 31, 1942, on the invoice issued in connection with each sale, or on a statement made in connection with any offer to sell, shall continue to do so notwithstanding the provisions of paragraph (1) hereof.

Illustration. As a guide to sellers in computing their maximum prices, the following tables are added. These tables show the amount of the increase effective April 1, 1944, in United States excise taxes for representative types, proofs and container sizes of distilled spirits and wines, but is not intended to be all-inclusive. For types, proofs, and container sizes not shown on the tables, every seller must compute the actual amount of the tax increase. No seller is permitted to apply a markup on the amount of the tax increase. In figuring maximum prices, sellers such as wholesalers or retailers who are required to price by use of a percentage markup applied to "net cost", shall figure maximum

prices by (1) deduct the exact amount of the tax increase with respect to each item, (2) apply markup to "net cost" exclusive of tax increase, and (3) add the exact amount of the tax increase to that figure.

TAX INCREASE EFFECTIVE APRIL 1, 1944, IN UNITED STATES EXCISE TAXES

TABLE I—DISTILLED SPIRITS¹

Proof	Contents per case				
	4 gal.	3 gal.	2.4 gal.	1.5 gal.	1.2 gal.
100.....	\$12.00	\$9.00	\$7.20	\$4.50	\$3.60
94.4.....	11.28	8.40	6.72	4.23	3.38
93.....	11.16	8.37	6.70	4.19	3.35
92.....	11.04	8.28	6.62	4.14	3.31
90.4.....	10.80	8.10	6.48	4.05	3.24
90.....	10.80	8.10	6.48	4.05	3.24
86.8.....	10.44	7.83	6.26	3.92	3.13
86.....	10.32	7.74	6.19	3.87	3.10
85.....	10.20	7.65	6.12	3.83	3.09
84.....	10.08	7.56	6.05	3.78	3.02
80.6.....	9.72	7.29	5.83	3.65	2.92
80.....	9.60	7.20	5.76	3.60	2.88
74.....	8.88	6.66	5.33	3.33	2.66
70.....	8.40	6.30	5.04	3.16	2.52
64.....	7.68	5.76	4.61	2.88	2.30
60.....	7.20	5.40	4.32	2.70	2.16
56.....	6.72	5.04	4.03	2.52	2.02
50.....	6.00	4.50	3.60	2.25	1.80
45.....	5.40	4.05	3.24	2.03	1.62

¹ Imported distilled spirits under 100 proof are taxed at the 100 proof rate, except that the 1944 floor stocks tax is figured on actual proof gallonage.

TABLE II—DISTILLED SPIRITS¹

Proof	Contents per bottle						
	1 gal.	1/2 gal.	quart	fifth	pint	teenth	1/16 pt.
100.....	\$3.00	\$1.50	\$0.75	\$0.60	\$0.38	\$0.30	\$0.19
94.4.....	2.82	1.41	.71	.56	.36	.28	.18
93.....	2.79	1.40	.70	.56	.35	.28	.18
92.....	2.76	1.38	.69	.55	.35	.28	.18
90.4.....	2.70	1.35	.68	.54	.34	.27	.17
90.....	2.70	1.35	.68	.54	.34	.27	.17
86.8.....	2.61	1.31	.65	.52	.33	.26	.17
86.....	2.58	1.29	.65	.52	.33	.26	.16
85.....	2.55	1.28	.64	.51	.32	.26	.16
84.....	2.52	1.26	.63	.50	.32	.25	.16
80.6.....	2.43	1.22	.61	.49	.31	.24	.15
80.....	2.40	1.20	.60	.48	.30	.24	.15
74.....	2.22	1.11	.56	.44	.28	.22	.14
70.....	2.10	1.05	.53	.42	.27	.21	.13
64.....	1.92	.96	.48	.38	.24	.19	.12
60.....	1.80	.90	.45	.36	.23	.18	.11
56.....	1.68	.84	.42	.34	.21	.17	.11
50.....	1.50	.75	.38	.30	.19	.15	.10
45.....	1.35	.68	.34	.27	.17	.14	.09

¹ Imported distilled spirits under 100 proof are taxed at the 100 proof rate, except that the 1944 floor stocks tax is figured on actual proof gallonage.

TABLE III—WINES

Type	Contents per case						
	4 gal.	3 gal.	2.4 gal.	2.4375 gal.	2.25 gal.	1.5 gal.	1.2 gal.
Still wine not over 14%.....	\$0.20	\$0.15	\$0.12	\$0.12	\$0.11	\$0.08	\$0.06
Still wine over 14% but not over 21%.....	.80	.60	.48	.49	.45	.30	.24
Still wine over 21% but not over 24%.....	4.00	3.00	2.40	2.44	2.25	1.50	1.20
Champagne and sparkling wines.....	8.20	2.40	2.40	2.40	1.80	1.20	1.20
Carbonated wines.....	8.20	2.40	2.40	2.40	1.80	1.20	1.20
Wine base cordials and liqueurs.....	8.20	2.40	2.40	2.40	1.80	1.20	1.20

TABLE IV—WINES

Type	Contents per bottle										
	1 gal.	1/2 gal.	1 qt.	1 fifth	24 oz.	30 oz.	26 oz.	13 oz.	1 pt.	1/2 pt.	1/16 gal.
Still wine not over 14%.....	\$0.05	\$0.02	\$0.01	\$0.01	\$0.01	\$0.01	\$0.01	\$0.01	\$0.01	\$0.01
Still wine over 14% but not over 21%.....	.20	.10	.05	.04	.04	.05	.04	.02	.02	.01
Still wine over 21% but not over 24%.....	1.00	.80	.25	.20	.10	.23	.20	.10	.12	.06
Champagne and sparkling wines.....	.80	.40	.20	.20	.15	.20	.20	.10	.10	.05
Carbonated wines.....	.80	.40	.20	.20	.15	.20	.20	.10	.10	.05
Wine base cordials and liqueurs.....	.80	.40	.20	.20	.15	.20	.20	.10	.10	.05

[Paragraph (c) and illustration added by Am. 14, 9 F.R. 3152, effective 3-21-44. Tables I, II, III, and IV amended by Am. 15, effective 5-8-44]

Sec. 7.3a Distribution of packaged distilled spirits or wine. (a) Any corporation, unincorporated association, company or partnership desiring to transfer or distribute packaged distilled spirits or wine (in the form of warehouse receipts or otherwise) to its shareholders, or to representatives of or a trustee for its shareholders or members, or desiring to offer its shareholders or members as a class, the right to purchase packaged distilled spirits or wine from it either directly or through a trustee or other intermediary, shall file written notice of its intention to do so with the Office of Price Administration, Washington, D. C., at least thirty days prior to the date on which such transfer, distribution or offer is to be made. The notice shall contain a description sufficient to identify for pricing purposes all packaged distilled spirits and wine to be so transferred, distributed or offered for sale, a statement showing the terms of the transfer, distribution, or offer and the classes of shareholders or members to whom it is to be made, and shall be supplemented with such additional information as the Office of Price Administration may deem necessary and request for pricing purposes in the particular case. The Administrator may, on his own motion, at any time before or after receipt of such notice, issue an order establishing maximum prices for any or all persons who may sell packaged distilled spirits or wine to be so transferred, distributed or offered.

(b) No corporation, unincorporated association, company or partnership shall deliver or permit any packaged distilled spirits or wine (in the form of warehouse receipts or otherwise) to be delivered to its shareholders or members pursuant to the proposed transfer, or distribution or purchase right until thirty days after the notice provided for under paragraph (a) of this section has been filed.

[Sec. 7.3a added by Am. 12, 9 F.R. 2240, effective 3-2-44]

[NOTE: Revised Supplementary Order No. 34 (8 F.R. 12404) permits, under certain conditions, the addition of extra packing expenses to maximum prices on sales to procurement agencies of the United States]

Sec. 7.4 Use of minimum resale prices under State Fair Trade laws. A minimum price for resale of an item by another person may be established by contract or otherwise and such minimum price may be posted or listed with a state or other public authority. However, no such minimum price shall exceed the lowest maximum price for resale of the item established under this regulation by or for any person to whom the minimum price applies.

Sec. 7.4a Maximum prices for sellers for whom no specific provision is made. The maximum price for any seller of distilled spirits or wine for whom no maximum price is provided in this regulation and who is otherwise unable to determine a maximum price hereunder, shall be his maximum price established

by whichever of the following regulations of the Office of Price Administration is applicable: Maximum Price Regulation 193; General Maximum Price Regulation; Revised Supplementary Regulation No. 14; National Regional or District Restaurant Maximum Price Regulations.

[Sec. 7.4a added by Am. 15, effective 5-8-44]

Sec. 7.5 Adjustment of maximum prices for tax exempt sales to the United States or any agency thereof. Any maximum price for an item established under this regulation shall, if the item is being sold to the United States or any agency thereof, be adjusted to the extent of the reduction, elimination or possible refund of any United States, state or local taxes included in figuring that maximum price.

Sec. 7.5a Deposit charges on containers—(a) Deposit charge required during March 1942. Any seller who during March 1942 customarily required a deposit charge to assure the return of containers used in shipment may continue to require such deposit charge and may from time to time adjust such deposit charge to an amount that does not unduly exceed his replacement cost of the containers at ceiling prices.

(b) **Deposit charge imposed after March 1942.** Any seller who did not require a deposit charge for containers during March 1942 and who desires to do so may institute such deposit charge and adjust the same from time to time to an amount that does not unduly exceed his replacement cost of the containers at ceiling prices.

(c) **Other requirements.** (1) No markup may be applied by any seller to the amount of the deposit charge and no seller may include the amount of such charge as an element of "net cost".

(2) Any seller who receives a deposit charge from a buyer shall refund to or credit to the account of the buyer the full amount thereof upon the return of the containers in as good condition as received (reasonable wear and tear excepted). Transportation charges, risk of loss or damage and any other expense incident to the return of such containers shall be borne by the seller.

(3) Paragraphs (a) and (b) of this section shall not apply to sales of Spanish type blending sherry, California grape concentrates and denatured rum at maximum prices established under this regulation including the cost of containers.

(4) "Containers" as used in this section means barrels, drums and other shipping receptacles having a capacity of five gallons or more and wood or fibre board packing or shipping cases irrespective of quantity content.

[Sec. 7.5a added by Am. 15, effective 5-8-44]

Sec. 7.6 Certain provisions of the General Maximum Price Regulation continued in effect. (a) The following sections of the General Maximum Price Regulation and amendments to those sections shall apply to all sellers subject to this regulation:

§ 1499.5 Transfers of business or stock in trade.

§ 1499.11 Base period records.

§ 1499.14 Sales slips and receipts.

(b) [Revoked]

[Paragraph (b) amended by Am. 9, 8 F.R. 17415, effective 1-6-44, and revoked by Am. 11, 9 F.R. 105, effective 12-31-43]

Sec. 7.6a Licensing. The provisions of Licensing Order No. 1,⁸ licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation, except monopoly states. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[Sec. 7.6a added by Am. 11, 9 F.R. 105, effective 12-31-43]

Sec. 7.7 Export sales. (a) The maximum price at which a seller may export any commodity to which this regulation applies shall be determined in accordance with the Second Revised Maximum Export Regulation⁹ and amendments thereto, or under other applicable regulations issued by the Office of Price Administration.

(b) In determining the maximum price at which a wholesaler or retailer may export a commodity to which this regulation applies, the "price at which the commodity was acquired" shall be deemed to be his net cost therefor figured according to section 5.3.

Sec. 7.7a Compliance with other laws or regulations. Except as expressly required by this regulation, the provisions hereof shall not operate to make lawful any act declared to be unlawful by any statute, ordinance or regulation of the Federal Government or of any state or political subdivision thereof.

[Sec. 7.7a added by Am. 15, effective 5-8-44]

Sec. 7.8 Compliance with this regulation—(a) No buying or selling above maximum prices. On and after the effective date of this regulation, regardless of any contract, agreement or other obligation, no person to whom this regulation applies shall sell or supply, and no person in the course of trade or business shall buy or receive, any distilled spirits, wine or service at prices higher than the maximum price applicable to such sale under this regulation, and no person shall agree, offer, solicit or attempt to do any of the foregoing. However, prices lower than the maximum price may be charged or paid.

(b) **Evasion.** The provisions of this regulation shall not be evaded, whether

⁸ 8 F.R. 13240.

⁹ 8 F.R. 4132, 5937, 7662, 9938, 15193; 9 F.R. 1030.

by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt, of or relating to any commodity, or service covered by this regulation, alone or in conjunction with any other commodity or service, or by way of finder's fees, brokerage, commission, service, transportation or other charge or discount, premium or other privilege; by tying agreement, combination sales, or trade understanding; by any change in style or manner of packing; by requiring the buyer to purchase packaged distilled spirits or wine on a per drink basis; or in any other way. The specific enumeration of acts constituting evasion is illustrative but not exclusive.

[Paragraph (b) as amended by Am. 15, effective 5-8-44]

(c) *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942, and to proceedings for the suspension of licenses.

[NOTE: Supplementary Order No. 7 (7 F.R. 5176) provides that war procurement agencies and governments whose defense is vital to the defense of the United States shall be relieved of liability, civil or criminal, imposed by price regulations issued by the Office of Price Administration.]

SEC. 7.9 *Current records required.* Every person selling or supplying any distilled spirits, wine or service for which, upon sale by that person, maximum prices are established under this regulation shall keep, and make available for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect:

(a) Records of the same kind that he has customarily kept relating to the prices which he charged for such of those commodities or services as he sold or offered for sale after the date on which maximum prices under this regulation for such sale became applicable.

(b) All bills, invoices, receipts and records used to determine any net cost used for the purpose of applying a mark-up under this regulation.

(c) His computations showing as precisely as possible the method and figures used to determine his maximum prices for distilled spirits or wine.

SEC. 7.10 *Petitions for amendment.* Any person seeking an amendment to this regulation of general applicability may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,¹⁰ issued by the Office of Price Administration.

[NOTE: Procedural Regulation No. 6 (7 F.R. 5087, 5665; 8 F.R. 6173, 6174) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Revised Supplementary Order No. 9

(8 F.R. 6175) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, excepting those which expressly prohibit such applications, and certain specific regulations listed in Revised Supplementary Order No. 9.]

[NOTE: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment of petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

SEC. 7.11 *Adjustable pricing in certain instances.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending on petition for amendment, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The permission may be given by letter addressed to the applicant, signed by the Price Administrator or by any official of the Office of Price Administration to whom authority to grant such permission has been delegated.

[Sec. 7.11 as amended by Am. 15, effective 5-8-44]

SEC. 7.12 *Definitions.*

NOTE: References in definitions to Regulations No. 4 or to Regulations No. 5 are respectively references to Regulations No. 4 (as now or hereafter amended) relating to the Labeling and Advertising of Wine, and to Regulations No. 5 (as now or hereafter amended) relating to the Labeling and Advertising of Distilled Spirits, issued under the provisions of the Federal Alcohol Administration Act, as amended.

(a) *Definitions of commodities and terms descriptive thereof.* (1) "Distilled spirits" means (i) the commodities included in classes 1 to 7 inclusive of Article II to Regulations No. 5 (neutral spirits, whiskey, brandy, gin, rum, cordials and liqueurs and imitations); and (ii) prepared cocktails, prepared highballs, vodka, bottled egg nog containing distilled spirits, tequila, distilled spirits produced in or imported from Cuba or Mexico made from cane products and flavored with aromatics, and all prepared alcoholic beverage commodities covered by Article III of Regulations No. 5; and (iii) commodities containing more than 24 percent alcohol by volume but otherwise within the definition of wine.

"Distilled spirits" when used without specific reference to that commodity in packages or in bulk, means both packaged and bulk distilled spirits, and when used without specific reference to that commodity as imported or domestic,

means both imported and domestic distilled spirits.

[Subparagraph (1) amended by Am. 9, 8 F.R. 17415, effective 1-6-44 and Am. 15, effective 5-8-44]

(2) "Imported distilled spirits" means distilled spirits or high wines produced outside of and introduced into continental United States.

[Subparagraph (2) as amended by Am. 15, effective 5-8-44]

(3) "Domestic distilled spirits" means distilled spirits produced within continental United States.

(4) "Wine" means: (i) The commodity defined as such in sections 610 and 617 of the Revenue Act of 1918 as amended; and

(ii) Other commodities not so defined, but made in the manner of wine. "Wine" includes (but is not limited to) sparkling and carbonated wine, wine made from condensed grape must, wine made from the juice of sound, ripe grapes, from berries, fruits or other agricultural products, imitation wine, compounds sold as wine, vermouth, cider, perry and sake, in each instance only if containing not less than 7 percent and not more than 24 percent alcohol by volume. "Wine" when used without specific reference to that commodity in packages or in bulk, means both packaged and bulk wine, and when used without specific reference to that commodity as imported or domestic, means both imported and domestic wine.

(5) "Imported wine" means wine produced outside of and introduced into continental United States.

(6) "Domestic wine" means wine produced within continental United States.

(7) "Cuban gin" means a commodity included in Class 3 of Article II of Regulations No. 5 and produced in the Republic of Cuba.

(8) "Mexican gin" means a commodity included in Class 3 of Article II of Regulations No. 5 and produced in the Republic of Mexico.

(9) "Cordials and liqueurs" means the commodities included in Class 6 of Article II of Regulations No. 5.

(10) "Specialties" means all beverage distilled spirits except those defined in classes 1 to 5 inclusive and 7 of Article II of Regulations No. 5, and except vodka, tequila and distilled spirits imported from Cuba or Mexico made from cane products and flavored with aromatics.

[Subparagraph (10) as amended by Am. 15, effective 5-8-44]

(11) "Bulk" or "in bulk" when used with reference to distilled spirits means that commodity in containers having a capacity in excess of one wine gallon. "Bulk" or "in bulk" when used with reference to wine means that commodity in containers having a capacity of five wine gallons or more.

(12) "Packaged" or "in packages" when used with reference to distilled spirits means that commodity in containers having a capacity of one wine gallon or less. "Packaged" or "in packages" when used with reference to wine means that commodity in containers

¹⁰ 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806; 9 F.R. 1594, 3076.

having a capacity of less than 5 wine gallons.

[Subparagraphs (11) and (12) as amended by Am. 3, 8 F.R. 13500, effective 10-7-43]

(13) "Bottled domestically" means bottled within continental United States.

(14) "Wine based cordials and other rectified wines" means those commodities made wholly from wine with added aromatics or other flavoring materials.

[Subparagraph (14) added by Am. 1, 8 F.R. 11851, effective 8-25-43]

(15) "Whiskey" means the commodities included in Class 2 of Article II of Regulations No. 5.

(16) "Brandy" or "commercial brandy" means brandy produced from grapes in accordance with section 3036 of the Internal Revenue Code, and barreled for aging. "Brandy" or "commercial brandy" does not include neutral spirits produced from grapes, or neutral brandy produced from grapes, as defined in Regulations No. 5.

(17) "Grape spirits" means wine spirits (except commercial brandy) produced from grapes in accordance with section 3036 of the Internal Revenue Code and includes the following when made from grapes; spirits-fruit, spirits-fruit processed, neutral brandy, high proof and high wines.

(18) "Neutral brandy" means spirits otherwise conforming to the definition of brandy, distilled on or after July 1, 1941 at more than 170° proof.

(19) "Spirits-fruit" means spirits distilled from any fruit or fruit waste, refuse, pomace or other fruit substance at or above 190° proof, whether or not such proof is subsequently reduced, and includes "spirits-fruit processed". "Spirits-fruit processed" means spirits distilled from any fruit, fruit waste, refuse, pomace or other fruit substance at less than 190° proof and so distilled or treated in the process of distillation, or refined by other processes after distillation, as to lack the taste, aroma, and other characteristics of brandy or fruit brandy.

[Subparagraphs (15) through (19) added by Am. 3, 8 F.R. 13500, effective 10-7-43]

(20) "High proof" and "high wines" made from grapes, fruits or berries shall for the purposes of this regulation be deemed "spirits-fruit processed" as defined in (19) above.

[Subparagraph (20) added by Am. 3, 8 F.R. 13500, effective 10-7-43, and amended by Am. 9, 8 F.R. 17415, effective 1-6-44]

(21) "California grape wine" means grape wine produced in the State of California from grapes grown in California.

(22) "Grape wine" means grape wine produced in accordance with sections 3032, 3036, and 3044 of the Internal Revenue Code.

(23) "Dessert wine" means grape wine having an alcohol content in excess of 14 percent by volume but not in excess of 21 percent by volume to which wine spirits have been added in accordance with section 3032 of the Internal Revenue Code. Dessert wine shall also include finished grape wine (except Spanish type blending sherry) having an

alcohol content in excess of 21 percent by volume but not in excess of 24 percent by volume and otherwise conforming to the definition thereof. Dessert wine also includes Vermouth and flavored wines which, except for flavoring material, conform to the definition thereof.

(24) "Table wine" means grape wine other than dessert wine. Except where otherwise stated, the term "table wine" includes sparkling, carbonated and flavored wines which, except for effervescence or flavoring material, otherwise conform to the definition thereof.

(25) "Sparkling wine" means grape wine rendered effervescent by secondary fermentation of the wine in a closed container, tank or bottle.

(26) "Carbonated wine" means grape wine rendered effervescent otherwise than by secondary fermentation in a closed container, tank or bottle.

(27) "Vermouth" means the flavored dessert wine defined in section 21, Class 7 of Regulations No. 4.

(28) "Flavored wine" means table wine or dessert wine to which aromatics and other flavoring materials have been added.

(29) "Berry wine" means any wine produced exclusively from berries (other than grapes) in accordance with sections 3032 and 3044 of the Internal Revenue Code, and includes high acid berry wines "made with over 35% sugar solution" within the limitations provided in section 22 (b) (5) of Regulation No. 4.

(30) "Fruit wine" means any wine produced from fruits other than grapes in accordance with sections 3032 and 3044 of the Internal Revenue Code.

(31) "Mixed wine" means wine made from grapes and berries, whether or not the wine is produced from a mixture of the separate material ingredients or from a mixture of the resulting wines.

(32) "Red table wine" means table wine which contains the red coloring matter of the skins, juice, or pulp of grapes.

(33) "White table wine" means table wine which does not contain the red coloring matter of the skins, juice or pulp or grapes, and also includes vin rosé and other pink table wine.

(34) "Lees" means solids deposited from wine during storage.

(35) "Lees wine" means dessert wine or table wine containing a substantial proportion of lees.

(36) "Spanish type blending sherry" means dessert wine having concentrated sherry characteristics and a minimum total solids content of 16° Balling and a minimum alcohol content of over 19 percent by volume.

(37) "Light sweet wine" means table wine with a total solids content of not less than 7° Balling, and shall also include table wines, baked in such manner as to have substantial sherry characteristics.

(38) "Concentrates" means boiled or condensed grape must concentrated to a minimum of 55° Balling and a maximum of 80° Balling.

[Subparagraphs (21) through (38) added by Am. 3, 8 F.R. 13500, effective 10-7-43]

(39) "Current wine" means California grape wine produced entirely or in principal part from grapes of the 1942 crop

and sold or offered for sale by a processor prior to March 1, 1944, and also California grape wine produced entirely or in principal part from grapes of the 1943 crop and sold or offered for sale by a processor prior to March 1, 1945; *Provided*, That the term "current wine" shall not include the following:

- (i) California grape wine produced principally from varietal types of grapes;
- (ii) Sparkling and carbonated wines;
- (iii) Vermouth and other flavored wines;
- (iv) Lees wine;
- (v) Spanish type blending sherry.

[Subparagraph (39) added by Am. 3, 8 F.R. 13500, effective 10-7-43, and amended by Am. 9, 8 F.R. 17415, effective 1-6-44]

(40) "Non-current wine" means all California grape wine except current wine as defined in (39) above.

(41) "Varietal types of grapes" means the following varieties of grapes if grown in the State of California:

Red varieties: Cabernet Sauvignon, Pinot Noir, and Gamay (Gamal).

White varieties: Semillon, Sauvignon Blanc, Pinot Blanc, Pinot Chardonnay, Traminer, Riesling, Folle Blanche, Muscatel de Bordeaux, Ugni Blanc, Muscat de Frontignan, Muscat Canelli, and Gutedel.

Provided, That wine shall not be deemed produced principally from varietal types of grapes unless 51% or more of its volume is derived exclusively from such grapes.

[Subparagraphs (40) and (41) added by Am. 3, 8 F.R. 13500, effective 10-7-43]

(42) "Cuban rum" means a commodity included in Class 5 of Article II of Regulation No. 5 and produced in the Republic of Cuba.

[Subparagraph (42) added by Am. 4, 8 F.R. 13845, effective 10-13-43]

(43) "Mexican tequila" means distilled spirits distilled from the Mezcal plant (a variety of the maguey) and produced in the Republic of Mexico.

[Subparagraph (43) added by Am. 5, 8 F.R. 14016, effective 10-18-43]

(44) "Neutral spirits" means distilled spirits distilled from any material at or above 190° proof, whether or not such proof is subsequently reduced. During the period of the unlimited national emergency proclaimed by the President on May 27, 1941, the term neutral spirits shall also include any spirits distilled at less than 190° proof, which are so distilled, or so treated in the process of distillation, or so refined by other processes after distillation, as to lack the taste, aroma and other characteristics of whiskey, brandy, rum or other potable beverage spirits. However, the term "neutral spirits" as used in this regulation does not include "domestic grape spirits", "neutral brandy", "spirits-fruit", "spirits-fruit processed" or "high proof and domestic high wines made from grapes, fruits, or berries". The term "neutral spirits" does not include "domestic high wines (manufactured from cane or grain)" as defined in (48) below.

[Subparagraph (44) as amended by Am. 15, effective 5-8-44]

(45) "Domestic whiskey containing malt whiskey" means whiskey produced in the continental United States which

contains any proportion of imported or domestic malt whiskey or rye malt whiskey: *Provided*, That the label or labels show that malt whiskey or rye malt whiskey is a component part.

(46) "Malt whiskey" means whiskey produced in the continental United States by distillation from a fermented mash of grain of which not less than 51% of the grain is malted barley; also imported malt whiskey produced in conformity with the laws of the country from which it is imported.

(47) "Rye malt whiskey" means whiskey produced in the continental United States by distillation from a fermented mash of grain of which not less than 51% of the grain is malted rye; also imported rye malt whiskey produced in conformity with the laws of the country from which it is imported.

(48) "Domestic high wines (manufactured from cane or grain)" means distilled spirits distilled from any material at or above 100° proof and less than 190° proof, manufactured prior to October 8, 1942, and used as a substitute for neutral spirits in accordance with the provisions of paragraph (a) (3) of Appendix G to Article III of this regulation.

[Subparagraph (48) as amended by Am. 15, effective 5-8-44]

[Subparagraphs (44) through (48) added by Am. 9, 8 F.R. 17415, effective 1-6-44]

(49) "Cuban whiskey" means a commodity included in class 2 of Article II of Regulation No. 5, and produced in the Republic of Cuba.

(50) "Mexican whiskey" means a commodity included in class 2 of Article II of Regulation 5, and produced in the Republic of Mexico.

[Subparagraphs (49) and (50) added by Am. 10, 8 F.R. 16928, effective 12-16-43]

(b) *Definitions of persons to whom this regulation refers.* (1) "Importer" means any person who is the first consignee within continental United States of a commodity being imported for resale, holding an importer's permit issued under the provisions of the Federal Alcohol Administration Act.

(2) "Processor" means any person who (i) Produces or blends distilled spirits or wine, or who is a packer of bulk wine, (including but not limited to) a distiller, rectifier, vintner or packer or who

(ii) Bottles under any brand name distilled spirits or wine belonging to him, or who

(iii) Causes distilled spirits or wine belonging to him to be bottled or blended for his account under his own brand name, or who

(iv) Bottles or causes to be bottled for his account distilled spirits or wine he has purchased under a license contract.

[Subparagraph (2) amended by Am. 2, 8 F.R. 13498, effective 10-7-43, and Am. 3, 8 F.R. 13500, effective 10-7-43]

(3) "Wholesaler" means any person (except a monopoly state or primary distributing agent) engaged in the business of buying and selling distilled spirits and/or wine without changing the form thereof, primarily to persons other than consumers, but who, when licensed and

permitted by applicable state or local statute or ordinance to so do, may also sell such distilled spirits or wine to consumers.

[Subparagraph (3) as amended by Am. 9, 8 F.R. 17415, effective 1-6-44]

(4) "Open-state wholesaler" means a wholesaler doing business in a state other than a monopoly state.

(5) "Primary distributing agent" means any person (except a monopoly state) engaged in the business of acting as agent for an importer or processor in the sale of an item to wholesalers or monopoly states within a specified territory.

(6) "Retailer" means any person (except a wholesaler, monopoly state or a primary distributing agent) engaged in the business of buying and selling distilled spirits and/or wine without changing the form thereof, to consumers. A sale to an on "premise licensee" shall be deemed a sale to a retailer.

(7) "On-premise license" means a person licensed by statute, ordinance or regulation, or otherwise legally authorized to sell distilled spirits or wine for consumption on the licensed premises either as a straight or mixed drink. For his sales subject to this regulation made by an "on premise licensee" he shall be deemed a retailer.

(8) "Monopoly state" means any one of the following states of the United States, or the appropriate Alcoholic Beverage Board, Department or Commission thereof:

Alabama	Ohio
Idaho	Oregon
Iowa	Pennsylvania
Maine	Utah
Michigan	Vermont
Montana	Virginia
New Hampshire	Washington
North Carolina (except as to wine)	West Virginia
	Wyoming

[Subparagraphs (6), (7) and (8) as amended by Am. 15, effective 5-8-44]

(9) "Consumer" means any person (except an industrial or institutional user or the United States or any agency thereof) purchasing distilled spirits and/or wine for consumption and not for resale.

(10) "Industrial user" means any person who

(i) Subjects distilled spirits or wine to a process resulting in the production of a different commodity having a distinctive name, character and use; or

(ii) Who uses distilled spirits or wine as an ingredient or component part of such different commodity; or

(iii) Who uses distilled spirits or wine to place another commodity in a condition for sale or delivery.

(11) "Institutional user" means any hospital, home or other similar institution which uses distilled spirits or wine in connection with its care of the sick, aged or infirm.

(12) "Customary type of supplier" means a person determined as follows:

(i) *For wholesalers.* A wholesaler's customary type of supplier for an item shall be:

(a) The importer, processor, or a primary distributing agent thereof;

(b) A monopoly state, if the wholesaler is required by statute to make any of his purchases of the item from such monopoly state.

(ii) *For retailers.* A retailer's customary type of supplier for an item shall be:

(a) A wholesaler, or the importer, processor or a primary distributing agent thereof;

(b) A monopoly state, if the retailer is required by statute to make any purchases of the item from such monopoly state.

(iii) *For monopoly states.* A monopoly state's customary type of supplier for an item shall be:

(a) The importer, processor or a primary distributing agent thereof;

(b) A wholesaler if, but only if, the item is not customarily sold or offered for sale to the monopoly state by the importer, processor or a primary distributing agent thereof, and all purchases of the item made by the monopoly state during the 12 months immediately preceding the date on which its maximum price is being determined have been made from a wholesaler.

(iv) *For primary distributing agents.* A primary distributing agent's customary type of supplier for an item shall be the importer or processor thereof.

(13) "Bottler" means any person located anywhere in the continental United States who packages distilled spirits in containers of one gallon or less each, or wine in containers of less than 5 gallons each.

(14) "Packer" means any person other than a vintner who sells or repacks bulk wine in containers of 5 gallons or more capacity. A packer may also be a bottler.

(15) "Vintner" means any person who produces wine in a Federal bonded winery in accordance with the provisions of the Internal Revenue Code.

(16) "Winery" means a bonded winery established in accordance with the provisions of the Internal Revenue Code.

(17) "Processor's premises" means a processing plant, including bottling, warehousing, storage and other facilities adjacent thereto, from which shipment of distilled spirits, wine, related products, or other commodities covered by this regulation, is made. No amount may be added to any maximum price established under this regulation to cover the cost of handling those commodities between parts of a processor's premises, or for expense of hauling, drayage or handling within the metropolitan area of a processor's premises.

If a processor has an established practice of invoicing distilled spirits, wines, related products or the other commodities covered by this regulation, from a shipping point or basing point in part of the State in which one or more of his processing premises are located, such shipping point or basing point may be deemed the processor's premises if he follows a uniform practice in that respect.

(18) "Dealer" means any person other than the processor, who buys and sells a commodity to which sections 2.4 or 4.6 (h) apply without substantially

changing its form, and who maintains a warehouse for storage and handling of the commodity.

[Subparagraphs (13) through (18) added by Am. 3, 8 F.R. 13500, effective 10-7-43]

(c) *Definitions of terms used in identification of items.* (1) "United States labeling laws and regulations" means Regulations Nos. 4 or 5 as applicable.

(2) "Label" means label or labels required by United States labeling laws and regulations.

(3) "Container size" means the particular weight or unit in which distilled spirits or wine is sold to a consumer in accordance with regulations of the Federal Alcohol Administration.

(4) "Formula" means:

(i) *For whiskey.* The following matters applicable thereto: proof, age by percentages, whiskey and neutral spirits content by percentages respectively, and type designation in accordance with standards of identity for classes thereof listed in Regulations No. 5.

(ii) *For gin, brandy, rum, cordials and liqueurs, imitations and specialties.* The following matters applicable thereto: proof and type designation in accordance with standards of identity for classes thereof listed in Regulations No. 5. Further, with respect to brandy and rum, a statement of the age thereof when stated on the label, and with respect to cordials, liqueurs and specialties, a statement of the ingredients thereof as submitted to the Bureau of Internal Revenue.

(5) "Type designation" means the type and subtype of wine and distilled spirits as described in classifications thereof in Article II of Regulations Nos. 4 or 5 respectively.

(6) "Age" means the age stated on the label of distilled spirits or wine.

(7) "Vintage" means the year or season in which grapes used in the production of wine were grown.

(8) "Proof" means the proof stated on the label of distilled spirits. Distilled spirits of 100° proof are distilled spirits containing 50% alcohol by volume at a temperature of 60° Fahrenheit.

(9) "Alcohol content" means the percent of alcohol by volume stated on the label of wine, or on the label of distilled spirits not containing a statement of proof.

(10) "Ingredients" means the flavoring and aromatic materials used in the production of gin, vermouth, cordials, liqueurs, flavored brandies, specialties and other alcoholic beverages made by the addition of commodities not inherent in distillation or fermentation thereof, according to the statement thereof submitted to the Bureau of Internal Revenue.

(d) *Definitions of terms used in connection with transportation.* (1) "Port of embarkation" means the place outside continental United States from which distilled spirits or wine to be imported are shipped by water to the United States.

(2) "Port of arrival" or "point of arrival" means the place in continental United States where imported distilled spirits or imported wine first come into custody of United States customs.

(3) "Port of entry" means the place where imported distilled spirits or im-

ported wine are located when released by United States customs officials after payment of customs duties and excise taxes.

(4) "Inland freight", "transportation charges" or "charges for transporting" mean lawful freight charges for movement by common or contract carrier. Such charges shall include any applicable Federal tax on transportation of commodities now or hereafter imposed, and unless otherwise provided, shall be figured at the lowest available rate. Where the seller uses his own vehicle, such charges shall be figured at the lowest rate for transportation over the same distance by common or contract carrier, exclusive of Federal tax.

(5) "Metropolitan area" of a particular place means the territory within the same municipality and the territory adjacent thereto within the same marketing area.

(6) "Naked f. o. b. processor's premises" with reference to a price means that price at such place exclusive of the cost of containers, and any applicable United States, state and local excise taxes and California state marketing order assessment.

(7) "Carload quantity" or "carload" includes truck loads and tank truck loads in the appropriate instances, and means a quantity of the particular commodity (in bulk or in packages as the case may be) having a weight equal to or in excess of the minimum weight required by common or contract carrier for shipment in that form at carload, truck load or tank truck rates respectively.

(8) "March 1942 freight base zone" means the receiving points, warehouses and stores from which the monopoly state during March 1942 delivered distilled spirits and wines, and any other points within the same state from which it elects to and does make such deliveries.

[Subparagraphs (6) through (8) added by Am. 3, 8 F.R. 13500, effective 10-7-43]

(e) *Definitions of miscellaneous terms.*

(1) "Sales in bond" means a sale of distilled spirits or wine located in a United States bonded warehouse, made prior to payment of United States customs duties and excise taxes applicable thereto.

(2) "Sales tax paid" means a sale of distilled spirits or wine for which applicable United States customs duties and excise taxes have been paid.

(3) "Official offer" means an offer by an importer, processor, primary distributing agent or wholesaler to supply an item to a monopoly state, by the terms of which deliveries are to commence within 60 days from date of acceptance.

(4) "Stock on hand" with reference to an item, means the amount thereof to which the person holds title, irrespective of location.

(5) "Strip stamps" means stamps affixed to individual containers of distilled spirits in accordance with section 2803 of the Internal Revenue Code of the United States.

(6) "Gauge" means the weight, proof, number of wine gallons, number of proof gallons, or any one or more thereof, as

determined by an official United States customs gauger.

(7) "Regauge" means a gauge made after the first gauge within continental United States.

(8) "OPA price" means the seller's maximum price determined under this regulation for a sale to a purchaser of the particular class, or an amount less than that price.

(9) "License contract" means a written contract for the sale of domestic bulk distilled spirits or wine which authorizes the purchaser to bottle or to have bottled for him, and to sell such distilled spirits or wine under a trade mark or brand name owned by the seller of the bulk commodity.

[Subparagraph (9) added by Am. 2, 8 F.R. 13498, effective 10-7-43]

(10) "Gallon" or "wine gallon" when used in this regulation without qualifying adjective or phrase means a standard U. S. wine gallon of 231 cubic inches, at 68° Fahrenheit (20° Centigrade).

(11) "Warehouse receipt" means the warehouse receipt for bulk domestic distilled spirits provided for in section 3 of Regulations No. 3 issued by the Federal Alcohol Administration relating to Bulk Sales and Bottling of Distilled Spirits.

[Subparagraphs (10) and (11) added by Am. 3, 8 F.R. 13500, effective 10-7-43]

(f) Unless the context otherwise requires, definitions contained in § 1499.20 (c), (h), (i), (j), (k), (m), (o), (p), (r), and (s) of the General Maximum Price Regulation shall apply to the same or corresponding terms used herein, and the definitions contained in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

Sec. 7.13 *Geographical applicability.* The provisions of this regulation shall be applicable to the forty-eight states of the United States and to the District of Columbia.

Effective date. This regulation shall become effective August 14, 1943. [MPR 445 originally issued August 9, 1943.]

[Note: Effective dates of amendments are shown in notes following the parts affected.]

Note: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 2d day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6235; Filed, May 2, 1944;
4:20 p. m.]

TITLE 33—NAVIGATION, AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

TACONY, PA.—PALMYRA, N. J. BRIDGE

Pursuant to the provisions of Section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.225 is hereby amended by adding

the following subparagraph to paragraph (b):

§ 203.225 *Delaware and Schuylkill Rivers, N. J. and Pa.; bridges (highway and railroad).* * * *

(b) *Opening the draw.* (1) * * *

(2) *Exception: Tacony-Palmyra Bridge.* The provisions of paragraph

(b) (1) shall be applicable to this bridge only between the hours of 8:00 a. m. and 6:00 p. m. until further notice. Whenever a vessel unable to pass under the closed bridge desires to pass through the draw between the hours of 6:00 p. m. and 8:00 a. m., at least two hours' advance notice of the time an opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge. Upon receipt of such notice, the authorized representative of the owner of or agency controlling the bridge shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel. The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such manner that it can be easily read at any time, a notice stating exactly how the representative specified may be reached. (28 Stat. 362; 33 U.S.C. 499) [Regs. 24 April 1944 (CE 823 (Delaware River—Tacony, Pa.—Palmyra, N. J.—Mile 107.2)—SPEWR)]

[SEAL] ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 44-6290; Filed, May 2, 1944;
4:29 p. m.]

PART 203—BRIDGE REGULATIONS

WISCONSIN RIVER, WIS.

Pursuant to section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), the provisions of § 203.566 (8 F.R. 16065, 16529) are hereby extended to include drawbridges across the Wisconsin River, Wisconsin, paragraph (f) being amended as follows:

§ 203.566 *Mississippi River and all its navigable tributaries and outlets; bridges where constant attendance of draw tenders is not required.* * * *

(f) The bridges to which these regulations apply, and the advance notice required in each case, are as follows: * * *

Wisconsin River, Wis.; all drawbridges. (At least forty-eight hours' advance notice required.) (28 Stat. 362; 33 U.S.C. 499) [Regs. 18 November 1943 as amended by Regs. 24 April 1944, CE 823.01 SPEWR]

[SEAL] ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 44-6291; Filed, May 2, 1944;
4:29 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 174, Amdt. 2]

PART 95—CAR SERVICE

ACCEPTANCE OF CARLOAD SHIPMENTS OF GRAIN

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of May, A. D. 1944.

Upon recommendation of the ODT-ICC Grain and Grain Products Transportation Conservation Committee to the Office of Defense Transportation and upon further consideration of Service Order No. 174 (9 F.R. 404) of January 7, 1944; as amended (9 F.R. 1463): *It is ordered, That:*

Service Order No. 174 (9 F.R. 404) of January 7, 1944, as amended (9 F.R. 1463), be, and it is hereby, amended by substituting the following paragraph (a) (1) and subdivisions (i) and (ii) and paragraph (a) (2) and subdivisions (i), (ii) and (iii) respectively, for paragraph (a) (1) and subdivisions (i) and (ii) respectively and paragraph (a) (2) and subdivisions (i), (ii) and (iii) respectively in § 95.327:

§ 95.327 *Acceptance of carload shipments of grain*—(a) (1) *Acceptance of carload shipments of grain, grain products, grain byproducts, seeds, and hay covered by order notify, or straight-advise bills of lading.* No common carrier by railroad subject to the Interstate Commerce Act shall accept for transportation, transport or move carload shipments of grain, grain products, grain byproducts, seeds, or hay:

(i) When consigned to a "notify" party or to an "advise" party at a location other than the billed destination of the shipment;

(ii) When consigned to a "notify" or to an "advise" party at the billed destination of the shipment, unless the "notify" or "advise" party is authorized to accept notice of arrival of the shipment and to furnish disposition orders to the carrier's agent at the billed destination.

(2) The provisions of paragraph (a) (1) shall not be construed to prohibit the acceptance for transportation or the transportation or movement of carload shipments of grain, grain products, grain byproducts, seeds, or hay:

(i) When the "notify" or "advise" party is located at a river landing or other point inaccessible to carrier's deliveries; or

(ii) When the "notify" or "advise" party is located at a prepay station or on a rural free delivery route or in the interior, in which cases the shipment must be consigned to an adjacent open station designated by the shipper; or

(iii) When the destination station and consignee's post office address adjacent to such station are differently named. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 a. m., May 6, 1944; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-6306; Filed, May 3, 1944;
11:39 a. m.]

[S. O. 188, Amdt. 3]

PART 95—CAR SERVICE

DEMURRAGE CHARGES ON REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of May, A. D. 1944.

Upon further consideration of Service Order No. 188 (9 F.R. 3098) of March 18, 1944, as amended (9 F.R. 3396; 9 F.R. 3748) and good cause appearing therefor: *It is ordered, That:*

Service Order No. 188 (9 F.R. 3098) of March 18, 1944, 49 C.F.R., § 95.334, as amended (9 F.R. 3396; 9 F.R. 3748) be, and it is hereby, further suspended until August 5, 1944. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective with May 5, 1944; that a copy of this order and direction shall be served upon the California State Railroad Commission and upon the State Belt Railroad of California; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-6307; Filed, May 3, 1944;
11:39 a. m.]

Notices

FEDERAL POWER COMMISSION.

[Docket Nos. G-437, G-521]

PANHANDLE EASTERN PIPE LINE CO.

ORDER POSTPONING DATE OF HEARING

MAY 2, 1944.

Upon consideration of the application filed April 29, 1944, by Albion Gas Light Company requesting a postponement of the date of hearing set in Docket Nos. G-497 and G-521;

It appearing to the Commission that: Good cause has been shown for the postponement of the hearing in the above entitled matters;

The Commission orders that:

The public hearing heretofore set for May 17, 1944, in Docket Nos. G-437 and G-521 be and the same is hereby postponed to June 7, 1944, at 9:45 a. m., in the Commission's Hearing Room, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44-6305; Filed, May 3, 1944;
11:16 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 191-A]

UNLOADING OF COAL AT CHARLESTOWN, MASS.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of May, A. D. 1944.

Upon further consideration of Service Order No. 191 (9 F.R. 3434) of March 27, 1944, and good cause appearing therefor: *It is ordered, That:*

Service Order No. 191 (9 F.R. 3434) of March 27, 1944, ordering the unloading of ten (10) cars, containing coal at Charlestown, Massachusetts, be, and it is hereby, vacated and set aside. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective immediately; that a copy of this order and direction shall be served upon the Boston and Maine Railroad Company, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-6308; Filed, May 3, 1944;
11:39 a. m.]

[S. O. 194-A]

UNLOADING OF COAL AT CLEARFIELD, PA., AND OAK POINT, N. Y.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2nd day of May, A. D. 1944.

Upon further consideration of Service Order No. 194 (9 F.R. 3663) of April 3, 1944, as amended (9 F.R. 3920) and good cause appearing therefor: *It is ordered, That:*

Service Order No. 194 (9 F.R. 3663) of April 3, 1944, as amended (9 F.R. 3920) ordering the unloading of 5 cars, containing coal at Clearfield, Pennsylvania, and 4 cars containing coal at Oak Point, New York, be, and it is hereby, vacated and set aside. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective immediately; that a copy of this order and direction shall be served upon the New York Central Railroad Company, and The New York, New Haven and Hartford Railroad Company, (Howard S. Palmer, James Lee Loomis and Henry B. Sawyer, Trustees) and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-6309; Filed, May 3, 1944;
11:39 a. m.]

[S. O. 195-A]

UNLOADING OF COAL AT JERSEY CITY, N. J.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of May, A. D. 1944.

Upon further consideration of Service Order No. 195 (9 F.R. 3717) of April 4, 1944, and good cause appearing therefor: *It is ordered, That:*

Service Order No. 195 (9 F.R. 3717) of April 4, 1944, ordering the unloading of 4 cars, PRR 195740, PRR 677204, PRR 897606 and LV 16775, containing coal at Henderson Street Station, Jersey City, New Jersey, be, and it is hereby, vacated and set aside. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective immediately; that a copy of this order and direction shall be served upon the Pennsylvania Railroad Company, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-6310; Filed, May 3, 1944;
11:39 a. m.]

[S. O. 193-A]

UNLOADING OF COAL AT HARRISBURG, PA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of May, A. D. 1944.

Upon further consideration of Service Order No. 196 (9 F.R. 3871) of April 8, 1944, and good cause appearing therefor: *It is ordered, That:*

Service Order No. 196 (9 F.R. 3871) of April 8, 1944, ordering the unloading of cars PRR 161143 and 901728, containing coal at Harrisburg, Pennsylvania, be, and it is hereby vacated and set aside. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective immediately; that a copy of this order and direction shall be served upon the Pennsylvania Railroad Company, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-6311; Filed, May 3, 1944;
11:39 a. m.]

[S. O. 164, 2d Amended General Permit 15] REFRIGERATION OF GRAPEFRUIT AND ORANGES AT POINTS IN FLORIDA

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To provide standard refrigeration on any refrigerator car loaded with grapefruit or oranges, in straight or mixed carloads, originating at any point or points in Florida moving direct, to destinations in Canada, or to destinations in the United States located west of the western boundaries of the states of Missouri, Iowa and Minnesota and north of the northern boundaries of the states of Oklahoma, New Mexico and Arizona, without stop-off at intermediate points.

This general permit shall become effective at 12:01 a. m., May 3, 1944, and shall expire at 12:01 a. m., June 6, 1944.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission

[illegible]

HOPPER & HALL COAL CO., WAYLAND, KY., HOPPER & HALL MINE, ELEPHORN #1 SEAM, MINE INDEX NO. 7043, FLOYD COUNTY, KY., SUBDIST. NO. 1, RAIL SHIPPING POINT: WAYLAND, KY., F. O. G. NO. 61, DRIFT MINE

[MPR 120, Order 734]

CENTRAL WEST COAL CO., ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

Order No. 734 under Maximum Price Regulation No. 120. Bituminous coal delivered from mine or preparation plant. Order establishing maximum prices and price classifications.

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, it is ordered:

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices, for the indicated uses and shipments as set forth herein. All are in District No. 10. The location of each mine is given by county and state. Each producer is subject to all provisions of Maximum Price Regulation No. 120.

	Size group Nos.																	
	1	2	3	4	5	6	7	8	9	10	15	16	17	18	19	20	21	
Price classifications	H	H	H	H	H	H	G	E	O	E	O	O	O	H	H	H	H	
Rail shipments and railroad fuel	\$3.80	\$3.75	\$3.60	\$3.60	\$3.45	\$3.35	\$3.15	\$3.15	\$3.15	\$3.70	\$3.60	\$3.60	\$3.60	\$2.95	\$2.85	\$2.80	\$2.80	
Truck shipment	3.90	3.70	3.30	3.35	3.20	— 95	2.45	2.40										

MANDT & BRASHEAR COAL CO., MANTON, KY., MAY MINE, ELEPHORN #2 SEAM, MINE INDEX NO. 7054, FLOYD COUNTY, SUBDIST. NO. 1, RAIL SHIPPING POINT: MARRS, KY., F. O. G. NO. 61, DRIFT MINE

	Size Group Nos.																	
	1	2	3	4	5	6	7	8	9	10	15	16	17	18	19	20	21	
Price classification	H	H	H	H	H	H	G	E	O	E	O	O	O	G	G	G	G	
Rail shipments and railroad fuel	\$3.80	\$3.75	\$3.60	\$3.60	\$3.45	\$3.35	\$3.15	\$3.15	\$3.15	\$3.70	\$3.60	\$3.60	\$3.60	\$2.95	\$2.85	\$2.80	\$2.80	
Truck shipment	3.90	3.70	3.30	3.35	3.20	2.95	2.50	2.45										

This order shall become effective May 2, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9326, 8 F.R. 4681)

Issued this 1st day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6238; Filed, May 1, 1944; 4:55 p. m.]

CENTRAL WEST COAL CO. (COULTER & McKENNA), 612 N. MICHIGAN AVE., CHICAGO, ILL., COULTER & McKENNA MINE, No. 5 SEAM, DEEP-HAND LOADED MINE, MINE INDEX NO. 1163, SALINE COUNTY, ILL., RAIL SHIPPING POINT: HARRISBURG, ILL., TRUCK RAIL, PRICE CLASSIFICATION: PRICE GROUP NO. 1, SOUTHERN SUB-DISTRICT

	Size group Nos.																												
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
Rail Shipment	\$3.55	\$3.50	\$3.50	\$3.20	\$3.20	\$2.90	\$2.80	\$2.95	\$2.75	\$2.65	\$2.75	\$2.75	\$2.35	\$2.25	\$1.75	\$1.25	\$2.80	\$2.75	\$2.85	\$2.90	\$3.25	\$3.15	\$2.65	\$2.65	\$2.35	\$2.60	\$2.60	\$3.15	\$2.20
Truck shipment	3.20	3.20	3.20	3.05	3.00	2.95	2.85	2.65	2.55	2.55	2.55	2.55	2.35	2.35	1.70														

Railroad locomotive fuel: Mine run, \$2.50; screenings, \$2.25.

THE CONSOLIDATED COAL CO., RAILWAY EXCHANGE BLDG., ST. LOUIS, MO., LAKE CREEK MINE, No. 6 SEAM, DEEP-MECHANICAL LOADED MINE, MINE INDEX NO. 2601, WILLIAMSON COUNTY, ILL., RAIL SHIPPING POINT: LAKE CREEK, ILL., RAIL MINE, PRICE CLASSIFICATION: PRICE GROUP NO. 2, SOUTHERN SUB-DISTRICT

	Size Group Nos.																												
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
Rail shipment	\$3.35	\$3.30	\$3.30	\$3.60	3.00	\$2.70	\$2.60	\$2.75	\$2.55	\$2.45	\$2.55	\$2.55	\$2.15	\$2.05	\$1.55	\$1.05	\$2.60	\$2.55	\$2.65	\$2.70	\$3.05	\$2.65	\$2.45	\$2.35	\$2.15	\$2.20	\$2.20	\$2.95	\$2.60
Truck shipment	3.50	3.50	3.50	3.35	3.25	3.20	3.10	3.10	2.60	2.50	2.80	2.80	2.55	2.45	1.95	1.45			2.00			2.75			2.65	2.55	2.65	2.20	

Railroad Locomotive fuel: Mine run, \$2.60; screenings, \$2.05.

This order shall become effective May 2, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9326, 8 F.R. 4681)

Issued this 1st day of May 1944.

CHESTER BOWLES,
Administrator

[F. R. Doc. 44-6237; Filed, May 1, 1944; 4:55 p. m.]

[MPR 120, Order 735]

KOPPER COAL DIVISION, EASTERN GAS AND FUEL ASSOCIATES

ESTABLISHMENT OF MAXIMUM PRICES

Order No. 735 under Maximum Price Regulation No. 120. Bituminous coal delivered from mine or preparation plant.

Establishing maximum prices for coals of Kopper Coal Division, Eastern Gas and Fuel Associates.

For the reasons set forth in the opinion issued herewith and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, it is ordered:

(a) Refuse coals produced by Kopper Coal Division, Eastern Gas and Fuel Associates, Pittsburgh, Pennsylvania from its Keystone Mine, Mine Index No. 93 in District No. 7, for rail shipment, may be sold and purchased at a price not exceeding \$2.75 per net ton f. o. b. the rail shipping point.

(b) This order may be revoked or amended at any time.

(c) All prayers of applicant not granted herein are hereby denied.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation

No. 120 shall apply to the terms used herein.

This order shall become effective May 3, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6272; Filed, May 2, 1944; 12:06 p. m.]

[MPR 143, Order 5, Revocation]

TIRES AND TUBES

ADJUSTABLE PRICING ON MANUFACTURERS' SALES TO BRAND OWNERS

Order No. 5 under Maximum Price Regulation 143, Wholesale Prices for New

Rubber Tires and Tubes, is hereby revoked, subject to the provisions of Supplementary Order No. 40.

This order of revocation shall become effective May 2, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 2d day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-6271; Filed, May 2, 1944;
12:06 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 54-91]

ELECTRIC POWER & LIGHT CORP., ET AL.

ORDER GRANTING JOINT APPLICATION AND PERMITTING JOINT DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 27th day of April, A. D. 1944.

In the matter of Electric Power & Light Corporation, United Gas Corporation, Houston Gulf Gas Company, Union Producing Company, and United Gas Pipe Line Company, File No. 54-91.

Electric Power & Light Corporation ("Electric"), a registered holding company, its subsidiary, United Gas Corporation ("United"), United's wholly-owned subsidiaries, Union Producing Company ("Union"), and United Gas Pipe Line Company ("Pipe Line"), and Pipe Line's wholly-owned subsidiary, Houston Gulf Gas Company ("Houston Gulf") having filed a joint application and declaration under the Public Utility Holding Company Act of 1935 and particularly sections 9 (a) (1), 10 and 12 (f) thereunder regarding the sale by Houston Gulf to Union and the acquisition by Union of all of the production properties of Houston Gulf for a cash purchase price of \$3,049,155.09 plus an amount equal to the cost of net additions to such properties for construction and development expenditures made since December 31, 1943 to the date of transfer; the application of a portion of the proceeds received by Houston Gulf from said sale to the payment of the remaining principal amount of \$1,800,000 plus accrued interest on the note issued by Houston Gulf to the First National Bank of Boston dated August 29, 1940; and the acquisition by merger by Pipe Line of all of the remaining properties of Houston Gulf consisting of natural gas gathering and transmission properties and other assets and the assumption by Pipe Line of all of the obligations of Houston Gulf; and

A public hearing having been held after appropriate notice and the Commission being fully advised and having this day issued its findings and opinion herein:

It is ordered, That said joint application and declaration be, and the same hereby are, respectively granted and per-

mitted to become effective subject, however, to the terms and conditions prescribed in Rule U-24 and subject to the reservation by the Commission of jurisdiction to take appropriate action in the future with respect to the accounting entries made by Union to record the transactions contemplated in said joint application and declaration.

It is further ordered and recited, That the sale by Houston Gulf of its production properties, as described in said joint application and declaration, to Union and the acquisition of the same by the latter; and the application by Houston Gulf of a portion of the proceeds of the aforesaid sale to the payment of the remaining principal amount of \$1,800,000 plus accrued interest on the note issued by Houston Gulf to the First National Bank of Boston dated August 29, 1940; and the merger of Houston Gulf with Pipe Line with the consequent acquisition by the latter of the then remaining properties and assets, the assumption by it of the liabilities of Houston Gulf and the extinguishment of the capital stock and indebtedness of Houston Gulf all as hereinbefore in this order permitted and approved, are necessary and appropriate to the simplification of the holding company system of Electric and are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, all in accordance with the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof. By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-6302; Filed, May 3, 1944;
10:46 p. m.]

WAR MANPOWER COMMISSION.

CINCINNATI, OHIO, AREA

MINIMUM WARTIME WORKWEEK

Designation of the Cincinnati, Ohio, Area as subject to Executive Order No. 9301.

By virtue of the authority vested in me as Regional Manpower Director of Region No. V by § 903.2 of War Manpower Commission Regulation No. 3, "Minimum Wartime Workweek of 48 Hours," (8 F.R. 7225), and having found that such action will aid in alleviating labor shortages which are impeding the war effort, I hereby designate the Cincinnati, Ohio, Area as subject to the provisions of Executive Order No. 9301.

I. For the purposes of this designation, the Cincinnati Area shall include:

Hamilton County (all), Clermont County (all), Ohio.
Kenton County (all), Campbell County (all), Boone County (all), Kentucky.

II. The effective date of this designation is June 1, 1944.

III. Not later than the effective date, each employer in the Cincinnati Area shall, in accordance with War Manpower Commission Regulation No. 3:

(a) Extend to a minimum wartime workweek of 48 hours, the workweek of any of his workers whose workweek can be so extended without involving the release of any worker;

(b) If extension of the workweek of any of his workers to a minimum wartime workweek of 48 hours would involve the release of any workers, submit to the Area Manpower Director the number and occupational classification of the workers whose release would be involved, together with proposed schedules for their release, and thereafter extend such workweek when and as directed in schedules authorized by the War Manpower Commission;

(c) File an application for a minimum wartime workweek of less than 48 hours for those workers engaged in employment in which the employer claims that a workweek of 48 hours would be impracticable in view of the nature of the operations, would not contribute to the reduction of labor requirements, or would conflict with any Federal, State or local law or regulation limiting hours of work. Such applications must be filed before May 18, 1944.

Date of issuance: April 26, 1944.

ROBERT C. GOODWIN,
Regional Director, Region V.

[F. R. Doc. 44-6243; Filed, May 2, 1944;
9:42 a. m.]

[Amdt. 1]

YOUNGSTOWN, OHIO, AREA

MINIMUM WARTIME WORKWEEK

Designation of the Youngstown Area as subject to Executive Order No. 9301. The designation of the Youngstown Area, dated February 15, 1944, (8 F.R. 7225) as subject to Executive Order No. 9301 is hereby amended to read as follows:

I. For the purposes of this designation, the Youngstown Area shall further be deemed to include:

Columbiana County (Unity and Fairfield Townships only).

II. The effective date of this amendment is May 8, 1944.

III. Not later than the effective date, each employer in Unity and Fairfield Townships of Columbiana County shall, in accordance with War Manpower Commission Regulation No. 3:

(a) Extend to a minimum wartime workweek of 48 hours, the workweek of any of his workers whose workweek can be so extended without involving the release of any worker;

(b) If extension of the workweek of any of his workers to a minimum wartime workweek of 48 hours would involve the release of any workers, submit to the Area Manpower Director the number and occupational classification of the workers whose release would be involved, together with proposed schedules for their release, and thereafter extend such workweek when and as directed in schedules authorized by the War Manpower Commission;

(c) File an application for a minimum wartime workweek of less than 48 hours for those workers engaged in employment in which the employer claims that a workweek of 48 hours would be impracticable in view of the nature of the operations, would not contribute to the reduction of labor requirements, or would conflict with any Federal, State or local law or regulation limiting hours of work. Such applications must be filed before May 1, 1944.

Date of issuance: April 6, 1944.

ROBERT C. GOODWIN,
Regional Director Region V

[F. R. Doc. 44-6300; Filed, May 3, 1944;
10:26 a. m.]

WAR PRODUCTION BOARD.

[Certificate 74,¹ Revocation]

DELIVERY AND TRANSPORTATION OF MILK IN FINDLAY, OHIO

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357) I hereby withdraw my certificate and finding dated May 27, 1943, concerning a recommendation of the Deputy Director of the Office of Defense Transportation with respect to the transportation and delivery of milk by motor vehicle in the Findlay, Ohio, marketing area.

DONALD M. NELSON,
Chairman.

APRIL 29, 1944.

[F. R. Doc. 44-6294; Filed, May 3, 1944;
9:47 a. m.]

[Certificate 78,² Revocation]

TRANSPORTATION AND DELIVERY OF GROCERIES IN JEFFERSON CITY, MO.

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357) I

hereby withdraw my certificate and finding dated June 7, 1943, concerning a recommendation of the Director of the Office of Defense Transportation with respect to the transportation and delivery of groceries by motor vehicle in Jefferson City, Missouri, and contiguous municipalities.

DONALD M. NELSON,
Chairman.

APRIL 29, 1944.

[F. R. Doc. 44-6295; Filed, May 3, 1944;
9:47 a. m.]

[Certificate 92,¹ Revocation]

TRANSPORTATION AND DELIVERY OF FLOWERS AND RELATED ARTICLES IN CUYAHOGA, OHIO, AREA

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357) I hereby withdraw my certificate and finding dated July 6, 1943, concerning a recommendation of the Director of the Office of Defense Transportation with respect to the transportation and delivery of flowers and related articles by motor vehicle in Cuyahoga and adjoining counties in Ohio.

DONALD M. NELSON,
Chairman.

APRIL 29, 1944.

[F. R. Doc. 44-6296; Filed, May 3, 1944;
9:47 a. m.]

[Certificate 122,² Revocation]

TRANSPORTATION AND DELIVERY OF DAIRY PRODUCTS IN LAMAR, COLO.

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357) I hereby withdraw my certificate and finding dated August 30, 1943, concerning a recommendation of the Director of the Office of Defense Transportation with respect to the transportation and delivery of dairy products by motor vehicle in Lamar, Colorado.

¹ 8 F.R. 9597.
² 8 F.R. 12119.

ery of dairy products by motor vehicle in Lamar, Colorado.

DONALD M. NELSON,
Chairman.

APRIL 29, 1944.

[F. R. Doc. 44-6237; Filed, May 3, 1944;
9:48 a. m.]

[Certificate 131, Revocation]

TRANSPORTATION AND DELIVERY OF LUMBER AND RELATED ARTICLES IN LA JUNTA, COLO.

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357) I hereby withdraw my certificate and finding dated September 13, 1943, concerning a recommendation of the Director of the Office of Defense Transportation with respect to the transportation and delivery by motor vehicle of lumber and related articles in La Junta, Colorado.

DONALD M. NELSON,
Chairman.

APRIL 29, 1944.

[F. R. Doc. 44-6298; Filed, May 3, 1944;
9:47 a. m.]

[Certificate 132,¹ Revocation]

TRANSPORTATION AND DELIVERY OF LAUNDRY AND DRY CLEANING IN LA JUNTA, COLO.

The ATTORNEY GENERAL.

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357) I hereby withdraw my certificate and finding dated September 13, 1943, concerning a recommendation of the Director of the Office of Defense Transportation with respect to the transportation and delivery by motor vehicle of laundry and dry cleaning in La Junta, Colorado.

DONALD M. NELSON,
Chairman.

APRIL 29, 1944.

[F. R. Doc. 44-6299; Filed, May 3, 1944;
9:48 a. m.]

¹ 8 F.R. 12857.

